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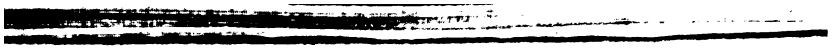

EXECUTIVE DOCUMENTS,

PRINTED BY ORDER OF

THE HOUSE OF REPRESENTATIVES,

DURING THE

SECOND SESSION OF THE THIRTY-SIXTH CONGRESS,

1860-'61.

IN ELEVEN VOLUMES.

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Volume	5	Nos. 10, 11, 12.
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*Executive document No. 74 was lost in the Committee of Ways and Means.

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War, relating to correspondence in reference to General Harney's administration of the Department of Oregon. Letter from the Secretary of	9	51	
War, transmitting a return of the militia of the United States, their arms, accoutrements, and ammunition, for the year 1860. Letter from the Secretary of	9	53	
War, transmitting a transcript of the official Army Register for the year ending June 30, 1860. Letter from the Secretary of	9	54	
War, transmitting additional estimate for the service of the Ordnance department. Letter from the Secretary of	9	56	
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War, transmitting report of the chief of ordnance relating to the removal of the arsenal at St. Louis. Letter from the Secretary of	9	62	
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War, transmitting a statement of the contingent expenses of the War Department for the year ending June 30, 1860. Letter from the Secretary of	9	71	
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Washington Territory. Estimate for compensation of the superintendent and agents of Indian affairs in	9	66	
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36TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 7.

AFRICAN SLAVE TRADE.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In compliance with a resolution of the House, a report from the Secretary of State in reference to the African slave trade.

DECEMBER 6, 1860.—Laid upon the table, and ordered to be printed.

To the House of Representatives.

In answer to the resolution of the House of Representatives of the 9th of April last, requesting information concerning the African slave trade, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

JAMES BUCHANAN.

WASHINGTON, *December* 5, 1860.

DEPARTMENT OF STATE,
Washington, December 5, 1860.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 9th of April last, requesting the President to communicate to that body, "copies of all communications and correspondence with foreign governments, and copies of all correspondence with our naval officers and consuls on the west coast of Africa relating to the subject of the African slave trade, with the instructions given said officers and consuls, not heretofore sent to either House of Congress; a copy of the instructions adopted by England and France for the government of their naval officers in identifying the nationality of vessels suspected of being engaged in the slave trade on the coast of Africa, and communicated to the government of the United States, *with a request* to unite with them in

their adoption; the number of slavers taken and sent to the United States by our African squadron, specifying the number condemned in our courts as slave traders, not heretofore communicated; and the number, if any, taken in ports of the United States, before sailing for the coast of Africa, or after their return from said coast, specifying the number condemned; the instructions given to officers of the United States, in ports where slave traders are fitted out, in reference to the prevention of the slave trade; also, in all cases when American vessels have been captured, engaged in the slave trade, where said vessels were built, in what port fitted out, and by whom fitted out; also, if possible, the places of nativity and present residence of the commanders, crews, and owners of the vessels so condemned; and, furthermore, the cost per annum, since the date of the Ashburton treaty, of maintaining the African squadron, the number of slaves on board captured vessels, and the cost of their support and return to Africa; and also the opinion of the President whether any further legislation is necessary to detect and seize vessels fitting for slave trade voyages in ports of the United States, and for the punishment of persons engaged therein; and any information in possession of the government which will tend to show the extent of the African slave trade, the mode of carrying it on, and the best and most efficient means of extinguishing it," has the honor to lay before the President the papers mentioned in the subjoined lists.

Respectfully submitted,

LEWIS CASS.

The PRESIDENT *of the United States.*

List of papers accompanying the report of the Secretary of State to the President, in answer to the resolutions of the House of Representatives of April 9, 1859.

PAPERS COMMUNICATED BY THE DEPARTMENT OF STATE.

Mr. McKeon to Mr. Marcy, with enclosures, May 2, 1855.
Mr. Hackley to Mr. Marcy, May 8, 1855.
Mr. Hunter to Mr McKeon, May 17, 1855.
Mr. Joachimsen to Mr. Marcy, with enclosures, May 18, 1855.
Mr. Hunter to Mr. Joachimsen, May 19, 1855.
Mr. Hunter to Mr. Hackley, May 19, 1855.
Mr. Hunter to Mr. Hackley, June 7, 1855.
Mr. Robertson to Mr. Marcy, No. 296, with an accompaniment, December 20, 1855.
Mr. Thomas to Mr. McKeon, January 14, 1856.
Mr. Robertson to Mr. Marcy, No. 7, with enclosures, January 19, 1856.
Mr. Robertson to Mr. Marcy, No. 11, January 26, 1856.
Mr. Robertson to Mr. Marcy, No. 14, with enclosures, January 31, 1856.

Mr. Gillmer to Mr. Marcy, No. 30, February 1, 1856.
Mr. Robertson to Mr. Marcy, No. 17, February 7, 1856.
Mr. Gillmer to Mr. Marcy, No. 31, February 12, 1856.
Mr. Thomas to Mr. Gillmer, April 15, 1856.
Mr. Robertson to Mr. Marcy, No. 42, extract, with an enclosur April 25, 1856.
Mr. Robertson to Mr. Marcy, No. 46, extract, May 14, 1856.
Mr. Robertson to Mr. Marcy, No. 50, extract, May 29, 1856.
Mr. Thomas to Mr. Dobbin, June 20, 1856.
Mr. Thomas to Mr. McKeon, June 20, 1856.
Mr. Marcy to Mr. Robertson, No. 56, with an enclosure, June 2(1856.
Mr. Savage to Mr. Marcy, No. 64, extract, August 10, 1856.
Mr. Savage to Mr. Marcy, No. 66, extract, September, 3, 1856.
Mr. Savage to Mr. Marcy, No. 67, extract, September 6, 1856.
Mr. Thomas to Mr. McKeon, September 20, 1856.
Mr. Robertson to Mr. Marcy, No. 71, September 30, 1856.
Mr. Marcy to Mr. McKeon, October 3, 1856.
Mr. Blythe to Mr. Marcy, No. 86, December 6, 1856.
Mr. Blythe to Mr. Marcy, No. 88, December 13, 1856.
Mr. Marcy to Mr. Cushing, December 30, 1856.
Mr. Hallett to Mr. Marcy, January 5, 1857.
Mr. Marcy to Mr. Hallett, January 7, 1857.
Mr. Willis to Mr. Marcy, extract, January 9, 1857.
Mr. Cushing to Mr. Marcy, February 12, 1857.
Mr. Pike to Mr. Cass, No. 9, with enclosures, March 12, 1857.
Mr. Cass to Mr. McKeon, with an enclosure, March 27, 1857.
Mr. Hallett to Mr. Cass, March 31, 1857.
Mr. Cass to Mr. Trousdale, No. 35, April 8, 1857.
Mr. Cass to Mr. Gillmer, April 8, 1857.
Mr. Cass to Mr. Trousdale, April 9, 1857.
Mr. Appleton to Mr. Woodbury, April 15, 1857.
Mr. Blythe to Mr. Cass, No. 24, April 24, 1857.
Mr. Appleton to Mr. McKeon, April 27, 1857.
Mr. Appleton to Mr. McKeon, May 1, 1857.
Mr. Appleton to Mr. McKeon May 4, 1857.
Circular to Consular Officers, No. 3, May 29, 1857.
Mr. Cass to Mr. Cobb, May 30, 1857.
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Mr. Savage to Mr. Cass, No. 51, with an enclosure, August 7, 185
Mr. Savage to Mr. Cass, No. 63, with an enclosure, October 1 1857.
Mr. Trousdale to Mr. Cass, No. 87, extract, September 3, 1857.
Mr. Cass to Mr. Black, October 26, 1857.
Mr. Blythe to Mr. Appleton, November 26, 1857.
Mr. Willis to Mr. Cass, extracts, February 12, 1858.
Mr. Blythe to Mr. Appleton, No. 4, extract, March 9, 1858.
Lord Napier to Mr. Cass, with an accompaniment, April 16, 185
Mr. Blythe to Mr. Appleton, No. 7, extract, May 8, 1858.
Mr. Dallas to Mr. Cass, with enclosures, May 11, 1858.

Lord Napier to Mr. Cass, May 16, 1858.
Mr. Dallas to Mr. Cass, June 1, 1858.
Mr. Bunch to Lord Malmesbury, June 1, 1858.
Mr. Cass to Mr. Cobb, with enclosures, June 3, 1858.
Mr. Cass to Mr Cobb, with an enclosure, June 3, 1858.
Mr. Appleton to Mr. Blythe, June 3, 1858.
Mr. Appleton to Mr. Blythe, June 3, 1858.
Mr. Dallas to Mr. Cass, with enclosures, June 4, 1858.
Lord Malmesbury to Lord Napier, June 4, 1858.
Mr. Peel to Mr. Stuart, extract, June 5, 1858.
Mr. Peel to Mr. Stuart, extract, June 9, 1858.
Mr. Cass to Mr. Dallas, with an enclosure, June 17, 1858.
Mr. Dallas to Mr. Cass, with enclosures, June 18, 1858.
Mr. Appleton to Mr. Savage, June 18, 1858.
Mr. Savage to Mr. Appleton, No. 17, extract, June 29, 1858.
Mr. Dallas to Mr. Cass, with enclosures, June 18, 1858.
Mr. Dallas to Mr. Cass, with enclosures, June 26, 1858.
Mr. Cass to Mr. Dallas, with an enclosure, June 29, 1858.
Mr. Savage to Mr. Appleton, No. 18, July 8, 1858.
Mr. Dallas to Mr. Cass, with enclosures, July 9, 1858.
Mr. Savage to Mr. Appleton, No. 19, with enclosures, July 9, 1858.
Mr. Savage to Mr. Appleton, No. 20, with enclosures, July 9, 1858.
Mr. Savage to Mr. Appleton, No. 21, July 12, 1858.
Mr. Dallas to Mr. Cass, with enclosures, July 13, 1858.
Mr. Savage to Mr. Appleton, No. 23, July 14, 1858.
Mr. Cass to Mr. Cobb, July 15, 1858.
Mr. Cass to Mr. Hillyer, July 15, 1858
Mr. Cass to Mr. Savage, July 16, 1858.
Mr. Cass to Mr. Dallas, with enclosures, July 20, 1858.
Mr. Crawford to Lord Malmesbury, July 22, 1858.
Mr. Savage to Mr. Appleton, No. 24, with enclosures, July 25, 1858.
Mr. Appleton to Mr. Hillyer, July 28, 1858.
Mr. Dallas to Mr. Cass, with an enclosure, July 30, 1858.
Mr. Dallas to Mr. Cass, with enclosures, July 30, 1858.
Mr. Appleton to Mr. Hillyer, August 16, 1858.
Mr. Appleton to Mr. Savage, August 18, 1858.
Mr. Appleton to Mr. Hillyer, August 18, 1858.
Mr. Savage to Mr. Cass, No. 28, with an enclosure, August 24, 1858.
Mr. Dallas to Mr. Cass, extract, with an enclosure, August 27, 1858.
Mr. Cass to Mr. Dallas, September 6, 1858.
Lord Napier to Mr. Appleton, with an enclosure, September 7, 1858.
Mr. Appleton to Mr. Savage, with an enclosure, September 7, 1858.
Mr. Cass to Mr. Dallas, with an enclosure, September 10, 1858.
Mr. Appleton to Mr. Hillyer, September 11, 1858.
Mr. Savage to Mr. Appleton, No. 32, with enclosures, September 14, 1858.
Mr. Dallas to Mr. Cass, with enclosures, September 16, 1858.
Mr. Cass to Mr. Dallas, with enclosures, September 17, 1858.
Mr. Savage to Mr. Appleton, No. 34, with enclosures, September 20, 1858.

Mr. Savage to Mr. Appleton, No. 35, with enclosures, September 24, 1858.
Lord Napier to Mr. Cass, with enclosures, September 29, 1858.
Mr. Cass to Mr. Dallas, with an enclosure, October 4, 1858.
Mr. Dallas to Mr. Cass, with an enclosure, October 8, 1858.
Mr. Savage to Mr. Appleton, No. 40, October 14, 1858.
Mr. Dallas to Mr. Cass, with an enclosure, October 12, 1858.
Mr. Savage to Mr. Appleton, with enclosures, October 24, 1858.
Mr. Dallas to Mr. Cass, with an enclosure, October 28, 1858.
Mr. Dallas to Mr. Cass, with enclosures, October 29, 1858.
Mr. Cass to Mr. Toucey, October 30, 1858.
Mr. Dallas to Mr Cass, with an enclosure, November 4, 1858.
Mr. Helm to Mr. Cass, No 48, extracts, with an enclosure, November 15, 1858.
Mr. Cass to Mr. Dallas, with enclosures, November 18, 1858.
Mr. Van Dyke to Mr. Cass, December 3, 1858.
Mr. Cass to Mr. Van Dyke, December 6, 1858.
Mr. Hillyer to Mr. Appleton, December 7, 1858.
Mr. Appleton to Mr. Van Dyke, December 9, 1858.
Mr. Flemming to Mr. Cass, December 9, 1858.
Mr. Appleton to Mr. Flemming, December 15, 1858.
Mr. Appleton to Mr. Hillyer, December 15, 1858.
Mr. Appleton to Mr. Hillyer, December 18, 1858.
Mr. Appleton to Mr. Van Dyke, December 18, 1858.
Mr. Miles to Mr. Cass, with an enclosure, December 19, 1858.
Mr. Sedgwick to Mr. Hillyer, December —, 1858.
Mr. Appleton to Mr. Hillyer, December 20, 1858.
Mr. Hillyer to Mr. Appleton, December 21, 1858.
Mr. Hillyer to Mr. Appleton, December 21, 1858.
Mr. Cass to Mr. Miles, December 22, 1858.
Mr. Cass to Mr. Dallas, with enclosures, December 22, 1858.
Mr. Helm to Mr. Cass, No. 54, with enclosures, December 27, 1858.
Mr. Cass to Mr. Dallas, with an enclosure, December 28, 1858.
Mr. Cass to Mr. Black, January 8, 1859.
Mr. Pickett to Mr. Cass, January 20, 1859.
Mr. Appleton to Mr. Pickett, January 22, 1859.
Mr. Willis to Mr. Cass, extracts, January 26, 1859.
Mr. Appleton to Mr. Sedgwick, January 31, 1859.
Mr. Appleton to Mr. Helm, January 31, 1859.
Mr. Dallas to Mr. Cass, with an enclosure, February 4, 1859.
Mr. Helm to Mr. Appleton, February 28, 1859.
Mr. Dallas to Mr. Cass, March 3, 1859.
Mr. Appleton to Mr. Sedgwick, March 8, 1859.
Mr. Helm to Mr. Cass, No. 5, with enclosures, March 15, 1859.
Mr. Cass to Mr. Dallas, with enclosures, March 18, 1859.
Mr. Dallas to Mr. Cass, with enclosures, March 18, 1859.
Mr. Dallas to Mr. Cass, with enclosures, March 25, 1859.
Mr. Dallas to Mr. Cass, with enclosures, April 22, 1859.
Mr. Willis to Mr. Cass, extracts, May 5, 1859.
Mr. Dallas to Mr. Cass, with enclosures, May 6, 1859.
Mr. Dallas to Mr. Cass, with *an enclosure*, May 6, 1859.

Statement of British Minister, May 14, 1859.
Lord Lyons to Mr. Cass, May 23, 1859.
Lord Lyons to Mr. Cass, May 27, 1859.
Mr. Cass to Lord Lyons, June 2, 1859.
Lord Lyons to Mr. Cass, June 6, 1859.
Mr. Cass to Lord Lyons, June 7, 1859.
Mr. Helm to Mr. Cass, No. 23, with enclosures, June 24, 1859.
Mr. Cass to Mr. Black, June 30, 1859.
Commodore Wise to British Admiralty, with an enclosure, July 11, 1859.
Lord Lyons to Mr. Cass, July 15, 1859.
Mr. Black to Mr. Cass, July 26, 1859.
Memorandum from Lord Lyons, July 27, 1859.
Mr. Willis to Mr. Cass, extracts, July 29, 1859.
Mr. Morgan to Mr. Cass, with an enclosure, August 3, 1859.
Mr. Helm to Mr. Cass, No. 30, with enclosures, August 3, 1859.
Mr. Cass to Mr. Dallas, August 12, 1859.
Mr. Cass to Mr. Toucey, August 12, 1859.
Mr. Dallas to Mr. Cass, with enclosures, September 1, 1859.
Mr. Toucey to Mr. Cass, with enclosures, September 12, 1859.
Mr. Dallas to Mr. Cass, with an enclosure, September 14, 1859.
Messrs. Webster to the President, September 30, 1859.
Mr. Savage to Mr. Appleton, No. 37, October 6, 1859.
Mr. Cass to Mr. Dallas, with enclosures, October 6, 1859.
Mr. Appleton to Messrs. Webster, October 7, 1859.
Memorandum from Lord Lyons, October 10, 1859.
Mr. Dallas to Mr. Cass, October 31, 1859.
Mr. Willis to Mr. Cass, extract, November 19, 1859.
Lord Lyons to Mr. Cass, December 3, 1859.
Lord Lyons to Mr. Cass, with an enclosure, December 5, 1859.
Mr. Cass to Lord Lyons, December 8, 1859.
Mr. Dallas to Mr. Cass, with an enclosure, December 19, 1859.
Mr. Appleton to Mr. Martin, January 11, 1860.
Mr. Cass to Mr. Helm, January 28, 1860.
Mr. Martin to Mr. Appleton, February 11, 1860.
Lord Russell to Lord Lyons, February 6, 1860.
Mr. Helm to Mr. Cass, No. 4, February 17, 1860.
Memorandum from Lord Lyons, February 25, 1860.
Mr. Cass to Mr. Helm, February 29, 1860.
Mr. Dallas to Mr. Cass, March 1, 1860.
Mr. Helm to Mr. Cass, No. 10, March 12, 1860.
Mr. Helm to Mr. Cass, No. 11, extract, March 13, 1860.
Mr. Martin to Mr. Cass, March 13, 1860.
Mr. Dallas to Mr. Cass, with enclosure, March 15, 1860.
Mr. Cass to Mr. Dallas, March 18, 1860.
Mr. Cass to Mr. Dallas, March 31, 1860
Mr. Cass to Lord Lyons, April 3, 1860.
Mr. Cass to Mr. Dallas, April 3, 1860.
Mr. Cass to Lord Lyons, April 5, 1860.
Mr. Cass to Mr. Dallas, with enclosure, April 6, 1860.
Mr. Helm to Mr. Cass, No. 18, April 11, 1860.

Mr. Black to Mr. Cass, May 3, 1860.
Lord Lyons to Mr. Cass, May 4, 1860.
Lord Lyons to Mr. Cass, May 5, 1860.
Mr. Appleton to Mr. Helm, May 5, 1860.
Mr. Appleton to Mr. Toucey, May 8, 1860.
Mr. Woodbury to Mr. Cass, May 10, 1860.
Mr. Cass to Lord Lyons, May 14, 1860.
Mr. Helm to Mr. Cass, No. 26, with enclosures, May 16, 1860.
Mr. Cass to Mr. Dallas, May 17, 1860.
Mr. Dallas to Mr. Cass, with enclosures, May 22, 1860.
Memorandum from Lord Lyons, May 26, 1860.
Mr. Cass to Mr. Toucey, May 30, 1860.
Mr. Helm to Mr. Cass, No. 32, with enclosure, May 30, 1860.
Mr. Toucey to Mr. Cass, June 7, 1860
Mr. Dallas to Mr. Cass, extract, with enclosures, June 14, 1860.
Mr. Dallas to Mr. Cass, extract, with enclosure, June 18, 1860.
Mr. Waring to Mr. Cass, No. 8, June 29, 1860,
Mr. Morse to Mr. Cass, July 1, 1860.
Mr. Martin to Mr. Cass, July 1, 1860.
Mr. Trescot to Mr. Woodbury, July 2, 1860.
Lord Russell to Lord Lyons, July 11, 1860.
Mr. Trescot to Mr. Woodbury, July 16, 1860.
Mr. Dallas to Mr. Cass, with an enclosure, July 27, 1860.
Mr. Trescot to Mr. Dallas, August 6, 1860.
Mr. Trescot to Mr. Irvine, August 10, 1860.
Mr. Trescot to Mr. Huckins, August 10, 1860.
Mr. De Ronceray to Mr. Cass, with enclosure, August 22, 1860.
Mr. Savage to Mr. Cass, No. 43, with enclosures, August 23, 1860.
Mr. Jones to Mr. Cass, September 5, 1860.
Mr. Savage to Mr. Cass, with an enclosure, September 8, 1860.
Lord Russell to Lord Lyons, September 10, 1860.
Mr. Dallas to Mr. Cass, with enclosures, September 13, 1860.
Mr. Trescot to Mr. Hillyer, September 18, 1860.
Mr. Pleasants to Mr. Trescot, September 21, 1860.
Mr. Smith to Mr. Cass, October 1, 1860.
Mr. Trescot to Mr. Smith, October 5, 1860.
Mr. Phillips to Mr. Cass, October 6, 1860.
Mr. Trescot to Mr. Savage, October 9, 1860.
Mr. Trescot to Mr. Phillips, October 9, 1860.
Mr. Trescot to Mr. Helm, October 12, 1860.
Mr. Trescot to Mr. Savage, October 13, 1860.
Mr. Trescot to Mr. Phillips, October 13, 1860.
Mr. Irvine to Mr. Cass, October 16, 1860.
Mr. Helm to Mr. Cass, October 22, 1860.
Mr. Cass to Mr. Irvine, October 25, 1860.
Mr. Helm to Mr. Trescot, October 25, 1860.
Mr. Cass to Mr. Dallas, October 26, 1860.
Mr. Curtin to Mr. Trescot, No. 69, with enclosure, October 27, 1860.
Mr. Cass to Mr. Dallas, October 27, 1860.
Mr. Helm to Mr. Cass, No. 63, with enclosures, October 31, 1860.
Mr. Savage to Mr. Cass, with an enclosure, October 31, 1860.

Mr. Cass to Mr. Toucey, November 12, 1860.
Mr. Cass to Mr. Toucey, November 14, 1860.
Mr. Toucey to Mr. Cass, November 19, 1860.
Mr. Cass to Mr. Thompson, November 27, 1860.
Mr. Trescot to Mr. Hillyer, November 28, 1860.
Lord Lyons to Mr. Cass, November 30, 1860.
Mr. Cass to Mr. Cobb, December 3, 1860.
Mr. Pleasants to Mr. Trescot, December 3, 1860.
Mr. Cass to Lord Lyons, December 4, 1860.

PAPERS COMMUNICATED BY THE TREASURY DEPARTMENT.

Mr. Cobb to Mr. Cass, with two enclosures, November 12, 1860.
Mr. Cobb to Mr. Cass, with enclosures, November 20, 1860.

List of enclosures.

Mr. Cobb to Mr. Hatch, March 2, 1858.
Mr. Cobb to Mr. Colcock, May 22, 1858.
Mr. Cobb to Mr. Hatch, May 24, 1858.
Mr. Cobb to Mr. Hatch, December 23, 1858.
Mr. Cobb to Mr. Mather, January 15, 1859.
Mr. Cobb to Mr. Austin, January 18, 1859.
Mr. Cobb to Mr. Mather, January 18, 1859.
Mr. Cobb to Mr. Mather, January 19, 1859.
Mr. Cobb to Mr. Boston, February 8, 1859.
Mr. Cobb to Mr. Cass, March 14, 1859.
Mr. Cobb to Mr. Hatch, March 21, 1859.
Mr. Cobb to Mr. Hatch, March 21, 1859.
Mr. Cobb to Mr. Hatch, April 6, 1859.
Mr. Cobb to Mr. Ganahl, April 16, 1859.
Mr. Cobb to Mr. Schell, October 26, 1859.
Mr. Cobb to Mr. Faunce, November 2, 1859.
Mr. Cobb to Mr. Schell, November 2, 1859.
Mr. Cobb to Mr. Stuart, January 10, 1860.
Mr. Cobb to Mr. Thompson, January 18, 1860.
Mr. Cobb to Mr. Bache, January 1860.
Mr. Cobb to Mr. Thompson, January 20, 1860.
Mr. Cobb to Mr. Bache, January 21, 1860.

PAPERS COMMUNICATED BY THE NAVY DEPARTMENT.

Mr. Toucey to Mr. Cass, November 30, 1860.

Papers accompanying communication of the Secretary of the Navy.

No. 1. Vessels captured on the coasts of Africa and Cuba.
No. 2. Commodore Crabbe to Secretary of the Navy, January 21, 1856. Extract.
No. 3. Commodore Crabbe to Secretary of the Navy, April 18, 1856. Copy.

No. 4. Commodore Crabbe to Secretary of the Navy, February 14, 1857. Extract.
No. 5. Commander William McBlair to Secretary of the Navy, September 23, 1857. Copy.
No. 6. Flag-Officer Conover to Secretary of the Navy, October 13, 1857. Extract, and enclosures.
No. 7. Flag-Officer Conover to Secretary of the Navy, October 19, 1857. Copy, and enclosures.
No 8. Commander McBlair to the Secretary of the Navy, December 18, 1857. Extract.
No. 9. Flag-Officer Conover to the Secretary of the Navy, January 6, 1858. Extract.
No. 10. Secretary of the Navy to Flag-Officer Conover, January 25, 1858. Copy.
No. 11. Secretary of the Navy to Flag-Officer Conover, September 15, 1858. Copy, with enclosures.
No. 12. Flag-Officer Conover to the Secretary of the Navy, September 28, 1858. Copy.
No. 13. Flag-Officer Conover to the Secretary of the Navy, January 26, 1859. Extract, with enclosures.
No. 14. Flag-Officer Conover to the Secretary of the Navy, March 12, 1859. Extract, with enclosure.
No. 15. Flag-Officer Conover to the Secretary of the Navy, March 23, 1859. Copy, with enclosures.
N. 16. Secretary of the Navy to flag-officer, April 11, 1859. Copy, with enclosure.
No. 17. Secretary of the Navy to Flag-Officer Inman, July 6, 1859. Extracts.
No. 18. Flag-Officer Inman, to Secretary of the Navy, October 26, 1859. Copy, and enclosures.
No. 19. Flag-Officer Inman to Secretary of the Navy, November 21, 1859. Copy.
No. 20. Flag-Officer Inman to Secretary of the Navy, December 13, 1859. Copy, and enclosures.
No. 21. Flag-Officer Inman to Secretary of the Navy, December 15, 1859. Copy, and enclosures.
No. 22. Flag-Officer Inman to Secretary of the Navy, January 13, 1860. Extract.
No. 23. Flag-Officer Inman to Secretary of the Navy, February 4, 1860. Copy, and enclosures.
No. 24. Flag-Officer Inman to Secretary of the Navy, February 13, 1860. Copy, and enclosures.
No. 25. Secretary of the Navy to Flag-Officer Inman, March 27, 1860. Copy.
No. 26 Secretary of the Navy to Flag-Officer Inman, April 13, 1860. Copy.
No. 27. Secretary of the Navy to Flag-Officer Inman, May 19, 1860. Copy, and enclosures.
No. 28. Flag-Officer Inman to Secretary of the Navy, Ju
1860. Copy, and enclosure.

No. 29. Secretary of the Navy to Flag-Officer Inman, July 23, 1860. Copy, and enclosure.
No. 30. Flag-Officer Inman to Secretary of the Navy, August 14, 1860. Extract.
No. 31. Flag-Officer Inman to Secretary of the Navy, August 22, 1860. Copy, and enclosure.
No. 32. Flag-Officer Inman to Secretary of the Navy, August 29, 1860. Copy.

Coast of Cuba.

No. 33. Secretary of the Navy to Lieutenant Commanding Craven, September 23, 1859. Extracts.
No. 34. Secretary of the Navy to Lieutenant Commanding Stanly, September 24, 1859. Extract.
No. 35. Secretary of the Navy to Lieutenant Commanding Maffitt, September 26, 1859. Extracts.
No. 36. Secretary of the Navy to Lieutenant Commanding Sartori, November 10, 1859. Extract.
No. 37. Lieutenant Commanding Craven to Secretary of the Navy, November 22, 1859. Copy.
No. 38. Secretary of the Navy to Lieutenants Commanding Craven, Stanley, Sartori, and Maffitt, December 9, 1859. Copy, and enclosures.
No. 39. Lieutenant Commanding Sartori to Secretary of the Navy, December 15, 1859. Copy.
No. 40. Lieutenant Commanding Sartori to Secretary of the Navy, January 23, 1860. Extract.
No. 41. Secretary of the Navy to Lieutenants commanding Craven and Maffitt, January 25, 1860. Copy.
No. 42. Lieutenant Commanding Maffitt to Secretary of the Navy, February 7, 1860. Copy.
No. 43. Lieutenant Commanding Craven to Secretary of the Navy, February 23, 1860. Copy.
No. 44. Secretary of the Navy to Lieutenant Commanding Sartori, January 16, 1860. Copy.
No. 45. Lieutenant Commanding Sartori to Secretary of the Navy, February 25, 1860. Extracts.
No. 46. Secretary of the Navy to Lieutenant Commanding Sartori, March 8, 1860. Copy.
No. 47. Secretary of the Navy to Lieutenant Commanding Stanly, January 25, 1860. Copy.
No. 48. Lieutenant Commanding Stanly to Secretary of the Navy, February 10, 1860. Extract.
No. 49. Secretary of the Navy to Lieutenants Commanding Craven, Maffitt, Stanly, and Sartori, March 6, 1860. Copy and enclosure.
No. 50. Lieutenant Commanding Craven to Secretary of the Navy, April 7, 1860. Copy.
No. 51. Secretary of the Navy to Lieutenant Commanding Craven, April 18, 1860. Copy.

No. 52. Lieutenant Commanding Craven to Secretary of the Navy, May 3, 1860. Extract.
No. 53. Lieutenant Commanding Craven to Secretary of the Navy, May 9, 1860. Copy.
No. 54. Lieutenant Commanding Stanly to Secretary of the Navy, May 11, 1850. Copy.
No. 55. Lieutenant Commanding Craven to Secretary of the Navy, May 13, 1860. Copy.
No. 56. Lieutenant Commanding Craven to Secretary of the Navy, May 14, 1860. Copy.
No. 57. Secretary of the Navy to Lieutenants Commanding Stanly, Sartori, Maffitt, and Craven, May 21, 1860. Copy.
No. 58. Lieutenant Commanding Craven to Secretary of the Navy, June 8, 1860. Copy.
No. 59. Secretary of the Navy to Lieutenant Commanding Craven, July 2, 1850. Copy.
No. 60. Secretary of the Navy to Lieutenants Maffitt, Sartori, and Stanly, July 6, 1860. Copy.
No. 61. Lieutenant Commanding Maffitt to Secretary of the Navy, May 23, 1860. Copy.
No. 62. Lieutenant Commanding Maffitt to Secretary of the Navy, June 27, 1860. Copy.
No. 63. Lieutenant Commanding Stanly to Secretary of the Navy, July 10, 1860. Extract.
No. 64. Lieutenant Commanding Maffitt to Secretary of the Navy, July 23, 1860. Copy.
No. 65. Lieutenant Commanding Maffitt to Secretary of the Navy, July 23, 1860. Copy.
No. 66. Lieutenant Commanding Stanly to Secretary of the Navy, July 28, 1860. Extract.
No. 67. Lieutenant Commanding Maffitt to Secretary of the Navy, August 14, 1860. Copy.
No. 68. Secretary of the Navy to Lieutenants Commanding Maffitt, Craven, Sartori, and Stanly, September 22, 1860. Copy and enclosure.

PAPER COMMUNICATED BY THE DEPARTMENT OF THE INTERIOR.

Mr. Thompson to Mr. Cass, November 30, 1860.

PAPERS COMMUNICATED BY THE DEPARTMENT OF STATE, FROM 1855 TO 1860 INCLUSIVE.

Mr. McKeon to Mr. Marcy.

SOUTHERN DISTRICT OF NEW YORK,
U. S. District Attorney's Office, May 2, 1855.

SIR: Under date of the 25th October, 1854, you communicated to me a copy of a despatch* of the 20th October, addressed to you by the minister of her Britannic Majesty accredited to this government, and of the documents which accompanied it. You transmitted this information to me to enable me to prevent Don José Egea from organizing a slave trade expedition from this port.

I now have the honor to transmit to you copies of a correspondence of this office touching the case so referred to me. The copies are marked from A to G, both inclusive. The letter of the 11th November, 1854, to the collector of this port remains unanswered by him.

I have not been able to accomplish the purpose desired.

I am, sir, your obedient servant,

JOHN McKEON,
U. S. District Attorney.

Mr. McKeon to Mr. Redfield.

SOUTHERN DISTRICT OF NEW YORK,
U. S. District Attorney's Office, November 11, 1854.

SIR: On the 23d October last I had the honor to enclose to you, privately, a copy of a letter to me from Anthony Barclay, esq., her Britannic Majesty's consul at this port, and of the despatch therein enclosed, relative to a projected slave expedition from this port. My attention was called to the same subject by the Hon. W. L. Marcy, Secretary of State, to whom I am now desirous of reporting for his official action. On the 24th October you wrote to me that you and the surveyor would unite to detect and stop the whole proceeding. On the 1st November I received a letter from the surveyor (a copy of which is herewith enclosed) relative to the brig "Horatio," and on yesterday, 10th inst., received from him a communication of which I also hand you a copy. It is understood that the "Horatio" has sailed, and you will oblige me by reporting to me what measures were taken in your department in concert with the surveyor.

It is not superfluous to add that information has reached me which, if true, shows the "Horatio" to have left this port with foreign flags, and all equipped for the slave trade.

Very respectfully,

JOHN McKEON,
U. S. District Attorney.

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* See Executive Document No. 105, House of Representatives, 34th Congress, 1st session, pp. 16 and 20.

SURVEYOR'S OFFICE, *New York, November* 10, 1854.

Previous to 2d instant I directed officer Jos. E. Porter to go on board the brig Horatio and exam ne her outward cargo and report to me. The officer reported that he had endeavored to find the brig, and had ascertained that she had sailed through Buttermilk Channel either to sea or down the bay. I went to collector's office and stated the report to Mr. Odell, and also that the register of the vessel had not been delivered from his office, as I was informed. He told me to tell the registry clerk not to deliver it without further orders. I saw Mr. Brown and the registry clerk, and stated to them that the vessel had left the city, and told them not to give her register until they had ascertained where she was, and to notify me when I would send an officer down to her. I have heard nothing about it since.

JOHN COCHRANE, *Surveyor.*

Mr. Benedict to Mr. McKeon.

CUSTOM-HOUSE, NEW YORK,
Surveyor's Office, November 1, 1854.

SIR: The brig *Horatio* is about clearing for coast of Africa. She was formerly owned by Lasala, and has been sold to Valequez or Vasquez. I have sent an officer to examine her, who will report to-morrow morning.

For surveyor.

J. S. BENEDICT,
Deputy Surveyor.

Mr. Redfield to Mr. McKeon.

CUSTOM-HOUSE, NEW YORK.
Collector's Office, October 24, 1854.

SIR: Your note of yesterday enclosing a note of the British consul of this city, with the copy of a letter to him from Joseph J. Crawford, her Majesty's consul general in Cuba, has this moment been received. The letter of Mr. Crawford states that on the 28th ultimo, a certain Don José Egea left Havana for New York, in order to purchase, through the house of Lasala, No. 6 Broadway, a certain vessel for the slave trade, &c.

I have invited the surveyor to unite with me to "detect and stop the whole proceeding," and make no doubt that such steps will be taken as to effect the object in view. We will endeavor to detail some one to keep a look out for Egea, and also to watch the house of Lasala, No. 6 Broadway.

Yours, very truly,

HEMAN J. REDFIELD,
Collector, &c.

[Confidential.]

SOUTHERN DISTRICT OF NEW YORK,
United States District Attorney's Office, October 23, 1854.

SIR: I transmit to you a copy of a communication transmitted to me by her Britannic Majesty's consul at this port, A. Barclay, esq.

Hoping that this information will enable you to detect and stop the whole proceeding, I am, sir, very respectfully,

JOHN McKEON,
United States District Attorney.

H. J. REDFIELD, Esq.,
Collector, &c.

Mr. Barclay to Mr. McKeon.

BRITISH CONSULATE,
New York, October 23, 1854.

SIR: I transmit to you herewith a copy of a despatch received by her Britannic Majesty's minister at Washington (and forwarded to me) from Havana, respecting an expedition for the slave trade which appears to be in progress of execution at this port.

I hope the information I convey to you will enable you to detect and stop the whole proceeding.

Your obedient servant,

ANTH. BARCLAY.

Mr. Crawford to Mr. Crampton.

HAVANA, *October* 11, 1854.

SIR: I hasten to give you the following information, which I have just received from an undoubted source, relative to an expedition which is being prepared for the slave trade to the coast of Africa.

On the 28th ultimo, a certain Don José Egea left this place for New York in order to purchase, through the house of Lasala, No. 6 Broadway, a vessel, preferring the rig of a pilot boat or fore and aft schooner, capable of bringing off 500 slaves from Africa to this island. The vessel to be equipped, with water and all things necessary for the slave trade, and so prepared to sail from New York, proceeding to a place on the coast of Africa, in latitude 4° 52′ south, and longitude 16° 11′ east of Greenwich, where the slaves are, and have been for some time, ready to be put on board. I understand that just to leeward of the point designated by the latitude and longitude above mentioned, there is a light known as Black Point, and that our cruisers are generally about ten miles distant. The Spanish captain,

whose name is Ortaga, goes passenger from New York, and he is to assume the command as soon as the negroes are on board and the vessel is ready to set sail from the coast of Africa.

The parties engaged in this adventure have been named to me, as well as the place to which the vessel is to come for the purpose of landing her cargo; but these facts are of no interest in the object which I have in view in this despatch. Almost all the slave expeditions for some time past have been fitted out in the United States, chiefly at New York, where there must be some establishment, ship or outfitting builders' or carpenters' yard specially undertaking such business for the slavers. I am aware that the United States government has been directed to that circumstance, and that the vigilance of the American officers at Philadelphia and New York has been such as that the masters of two slavers are at present under trial for slave trading, and the vessels in both instances, although purchased elsewhere in the United States, were fitted out and sailed from New York. I am, therefore, confident that every assistance would be afforded for the detection of the slaver about to be equipped by Don José Egea, and I hope that you will be able to engage the energies of the proper officers of the government for that purpose, who will know that it is necessary to observe the greatest secrecy and discretion so as to trace Mr. Egea and watch his progress, in order to pounce upon the expedition at the moment of its completion.

I have, &c.,

JOS. J. CRAWFORD,
Her Majesty's Consul General in Cuba.

His Excellency JOHN T. CRAMPTON, *&c., &c., &c.*

Mr. Hunter to Mr. McKeon.

DEPARTMENT OF STATE,
Washington, May 17, 1855.

SIR: I enclose herewith a copy of a letter received this morning from W. R. Hackley, United States district attorney for the southern district of Florida, of the date of the 8th instant, in relation to the discovery of the brigantine "Horatio," of New York, abandoned at sea, and under such circumstances as to justify the suspicion that she had been engaged in landing a cargo of slaves on the coast of Cuba.

I have to request your attention to the case, and am, sir, your obedient servant,

W. HUNTER, *Assistant Secretary.*

JOHN MCKEON, Esq., *United States District Attorney,*
Southern District of New York.

Mr. Hackley to Mr. Marcy.

KEY WEST, *Florida, May* 8, 1855.

SIR: Upon the 24th of April a brigantine was brought into this place which had been found abandoned (by one of our pilot boats) in sight of Key West light-house, and, from her condition and fittings, there can be no doubt that she had landed a cargo of slaves upon the coast of Cuba, and been abandoned. The name on her stern had been painted over with black paint, but the name can be read; it is "Horatio, New York." There was also an old log book found on board, a part of a leaf of which I have, which reads; brig Horatio, lay in Ponce, Porto Rico, May 23, 1854, Kempten master. The wood found on board is evidently North American wood. The beans are white American beans; the barrels are American, and I can have no doubt but that the brig was fitted for the slave voyage in the waters of New York, and possibly is still owned in the United States.

With great respect, &c.,

WM. R. HACKLEY,
United States Attorney Southern District, Florida.

Mr. Joachimsen to Mr. Marcy.

SOUTHERN DISTRICT OF NEW YORK,
U. S. District Attorney's Office, May 18, 1855.

SIR: In the absence of Mr. McKeon, who is officially engaged in Philadelphia, I have the honor to acknowledge receipt of your communication of the 17th instant, covering a copy of a letter to the State Department, from Wm. R. Hackley, esq., United States district attorney for the southern district of Florida, in relation to the discovery of the brigantine "Horatio," of New York, abandoned at sea, and under such circumstances as to justify the suspicion that she had been engaged in landing a cargo of slaves upon the coast of Cuba, and requesting Mr. McKeon's attention to the case.

I have the honor to state that this is the case referred to in the report from this office to the honorable the Secretary of State, under date of the 2d May instant; since which William Addison Meade, esq., United States district attorney for Maryland, has obliged Mr. McKeon with the affidavit of James McGuire, now in prison at Baltimore, showing the illegal trade of the "Horatio." This office then applied to the collector of the port for copies of the ship's documents, &c., and for other information.

It would seem that Lasala & Co., about the 23d October last, purchased the brig Horatio, and obtained a register. In a day or two after they sold the brig to one Velasquez, in whose name a new register was granted. He cleared her as consignor, and William F. Martin, as master. The clearance was granted on the 1st November, 1854. The register was not delivered until the 4th November, 1854.

On the 16th instant Mr. McKeon obtained from George F. Betts,

esq., United States commissioner, a warrant to apprehend Rudolph E. Lasala, Estevan Velásquez, William F. Martin, Theodore A. Meyers, and A. T. Reynolds, on a charge of having violated the 3d section of the act of Congress approved April 20, 1818. (3d vol. St. at Large, p. 151.) On this warrant William F. Martin has been arrested, and now is in custody. The other parties will be taken as soon as they can be found, probably in the course of to-day or to-morrow.

In order to possess the department of the facts of the case as they appear in this office, in addition to the matters contained in the report of the 2d instant, I beg to enclose the following papers:

1. Copy of Captain McGuire's statement, marked H.
2. Copy of a letter from the district attorney to the collector, dated May 10, 1855, marked I.
3. Copy of a letter from the collector to the district attorney, May 10, 1855, marked J.
4. Copy of a letter from same to same, May 11, 1855, marked K.

The copies transmitted by the collector are required for use here, which is the reason that they are not now sent.

5. Copy of a letter from the district attorney to the collector, May 11, 1855, marked L.
6. Copy of a letter from the collector to the district attorney, May 12, 1855, marked M.
7. Copy of a report from S. P. Ingraham to the collector, May 11, 1855, marked N.

The further steps in the case will be seasonably reported to the State Department.

May I take the liberty to suggest to the department that it would greatly aid this office to obtain, on the direction of the Secretary of State, from the district attorney of Florida, sworn statements of the parties within his reach, fully specifying the various points connected with the finding of the brig, and in what condition found, &c.

I have the honor, &c.

P. T. JOACHIMSEN,
Acting United States District Attorney.

H.

Statement of Captain McGuire relative to brigantine "Horatio."

Captain James McGuire sworn, deposes and says: That he was in New York in November last, thinks about the 3d, and was laboring under a severe case of diarrhea. About that time Captain Martin sent for me, and I went to see him, and he asked me how I would like to take a voyage to the craft; told him I would see my doctor, and if he thought it was best I would go. I saw the doctor, and he said he thought it was the best thing I could do. Saturday, the 4th of November, he thinks, Martin went with me to some man in New York and introduced me to him; his name was Asayres, or some such name;

a Spaniard; Martin had engaged to go in this vessel in the first place, but he backed out; the vessel was on the eve of sailing, but could not find Martin, and then this Spaniard eventually agreed that I should go in her. So deponent had his things taken on board late Saturday evening, and sailed Sunday morning early. When the pilot was getting her under way, the men came aboard, (Spaniards,) and I said to Mr. Vasquez, who I did not know to be the owner then, what these two men wanted; he said he supposed they were sent on board as passengers I examined her papers, and her voyage was to St. Paul's and a market; it was all correct. Deponent had nothing to do with her clearance; Captain Martin had cleared her. We proceeded to sea; the mate was very drunk and abusive; his name was Mark Pittman, and the only American but deponent on board Was at sea three or four days, the mate still continued drunk, till I got tired of it, and I put him off duty, and ordered him out of the cabin; he refused to go at first, and then I put him out by force. He was off duty while the vessel was under my command Got along very well until we got near the Cape de Verds; then I observed a mutinous disposition among the men, the carpenter in particular. The carpenter went down in the hold and embezzled some of the cargo without my orders; I had the hatches nailed down fore and aft, and forbid them being taken off without my orders In the meantime, it being the rainy season, the rain came pouring down, and I could not stand the deck; Mr Vasquez came to me and said that Artezar and Nayulltetors, the two Spaniards before spoken of, would stand the watches, which I was thankful for. I called the men, and told them to obey Artezar and Nayulltetors in any order they might give as if it was from me, as I could not come on deck on account of the rain. At the same time I told these men in bad weather to let me know previous to taking in sail, that I might give my judgment. For a few days things went on very quiet, until I observed the mutinous conduct of the carpenter and mate, particularly, and I had no arms, not even a pistol. I concluded I would go to the Cape de Verd islands and leave the vessel, as, by this time, I had pretty nearly conceived what kind of a voyage she was going on, and I wanted to get out of her. I told Mr. Vasquez I was going to leave him at the Cape de Verds, and he begged me to remain, saying that he could not do without me; that when we got to the coast he would get me a passage to the States, or some port of Cuba. I remained tossing about in the neighborhood of the north coast of Africa, and could not make the shore, there being a strong headwind. I then stood to the southward and westward, and in the meantime the fire-wood began to get short, and I thought to run off Pernambuco and get the wood and some other necessaries; there I told Artezar about it; he did not say yes or no; afterwards said there was wood enough aboard, and he would not go to Pernambuco; but if I had been well I would have made him. In the meantime he gave orders to the carpenter to cut away the fly-rail fore and aft without my orders, which he did. The carpenter also commenced taking off the fore hatch; I told him not to do it; I went aft in the cabin, and while there the carpenter took it off and went in the hold and took whatever he pleased, liquor or anything else; took enough

liquor to make himself drunk. When I found the hatch off, after I had ordered him not to do it, he said the Spanish captain had ordered him to take it off; I asked him how many captains he thought there was on board; said he did not know, but the Spanish captain treated him well, and he would do what he told him. I perceived there was a great intimacy subsisting between Pittman, the mate, Artezar, and the carpenter. Things went on in this way for a few days, till I found I was not consulted on any occasion, and part of the crew were insolent and mutinous. He did not exactly take charge of the vessel then, but he steered what course he pleased, and made and took in sail when he pleased, without consulting me at all, but I kept the reckoning of the ship. I got Mr. Vasquez to take the altitude, and I marked the time in my berth. They got to 36° south, and then this Spaniard tacked ship and ran into the southward and eastward for the coast of Africa. The morning that we made the land I was very sick, and took some medicine. I was sitting on my trunk when the Spanish captain came down and abused me very much in Spanish, and he told me he had bought the vessel now, and said he had the whole control of her; he then asked me for my papers; I told him I should not give them up as long as I lived; if he wanted them, he must look for them, and get them the best way he could; and if he found them, he would have to kill me before he could get them. He then took my chronometer and charts without my consent, and stood in for the coast; he passed St. Paul, and steered for Point Nayno; in going there made a mistake, and came to anchor about fourteen or fifteen miles to eastward of it. He made a signal, and a canoe came off; he then sent an express by a negro to the factory at Point Nayno; this was a Thursday night. The express came back on Friday morning; he lowered the boat down, took four men with him, and went ashore; remained there all day; about half-past 10 o'clock at night he commenced sending off the negroes from the shore in canoes to the vessel, (the brig Horatio;) there was, he thinks, 360 negroes brought on board; he then came off himself, and the man that sold him the negroes and he had some settlement on board in a great hurry; the negro seller went ashore in his own canoe. I said to Velasquez, what is to be done with you and me? He said we would have to go down to Cuba in the vessel; we could not get ashore then. We got under way and sailed for Cuba; I was put in a corner of the cabin, my state-room being knocked into pieces. Sometimes Mr. Vasquez would give me something to eat at 11 o'clock, and that was all I could get to eat until 8 or 9 o'clock at night, and the water I drank I had to suck it with a tube out of the cask. Arrived at Cuba, made a signal, and a pilot boat came off; the pilot took charge, and beat her in in the night; after she got in some distance came to an anchor, and there was a bonfire made on shore, and the pilot came off again and took all the captain's things and as many negroes as he could carry; all the negroes were landed there. After the negroes were landed, this Spanish captain came on board with armed men, and ordered them to make sail. Mr. Velasquez asked what we should do, and I said we might as well get out from there as to be murdered there, and in the meantime the Spanish captain slipped the cable,

and we had to go to sea; the vessel was then very leaky, and it was very dark; the day after we were at sea fell in with brig Horatio, Captain Jordan, and arrived in Baltimore; all of us left the brig Horatio, except the mate, Pittman, who remained on board, and no one else, and we came to Baltimore in the brig Hobart. The brig Horatio discharged part of her cago at Nayno before taking in the slaves. Mr Vasquez is the apparent owner of the Horatio. Brown, carpenter, now in Baltimore.

Taken before me this 8th day of May, 1855.

JOHN HANAN,
U. S. Consul for St. Domingo.

I.

Mr. McKeon to Mr. Redfield.

SOUTHERN DISTRICT OF NEW YORK,
U. S. District Attorney's Office, May 10, 1855.

SIR: I have to request that you will have the kindness to send to this office, in season to be used before the close of this day's session of the United States circuit court, a duly certified copy of the ship's papers of the brig "Horatio," which sailed from this port for the coast of Africa on or about the 10th of November last. The documents I require copies of are the following:

1. The bill of sale of said brig by Messrs. Lasala & Co., and of all indorsements thereon.
2. Any mortgage that may have been taken on her.
3. The register issued to her on such transfer.
4. The register bond and oath of owner and captain.
5. The manifest of her cargo outward and oath.
6. The crew list, crew bond, and oath.
7. The shipping articles.
8. The bill of sale to Lasala & Co.
9. The register issued to them.

All these papers should be copied *verbatim*, with all indorsements, private marks, initials, and figures and dates, as they appear on the original documents.

I will also be obliged to you for your statement accompanying the above papers, and specifying the time when the last register of said brig Horatio was delivered from your office, and by whom and to whom delivered.

I am, very respectfully,

JOHN McKEON,
U. S. District Attorney.

J.

Mr. Redfield to Mr. McKeon.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, May 10, 1855.

SIR: Yours of this date, requesting certified copies of the papers of the "Horatio," is received.

In reply, I have to state that it will be impossible for me to furnish the papers to-day, but you can have them at 11 o'clock to-morrow.

Yours, very respectfully,

HEMAN J. REDFIELD, *Collector.*

K.

Mr. Heman J. Redfield to Mr. McKeon.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, May 11, 1855.

SIR: In accordance with the request contained in your letter of yesterday, I enclose herewith certified copies of all the original papers of the brig "Horatio" on file here.

I am, very respectfully, your obedient servant,

HEMAN J. REDFIELD, *Collector.*

L.

Mr. McKeon to Mr. Redfield.

SOUTHERN DISTRICT OF NEW YORK,
U. S. District Attorney's Office, May 11, 1855.

SIR: I have the honor to acknowledge the receipt of yours of this day, covering the papers requested of the brig "Horatio."

In order to institute the necessary proceedings, it is necessary that I should have the name of the clerk by whom, the name of the party to whom, and the time when the register, in the name of Velasquez, were delivered. This information I have before requested, but it probably has escaped your attention. I have also to request a statement of the name of the clerk by whom, the name of the party to whom, and the time when the clearance of the "Horatio" in November last were delivered at your office.

It also appears that there were no oath of the master and no collector's certificate, and no notarial certificate of nationality of the ship's equipage on the crew list. Can you give me an explanation of this omission?

Your early attention to this communication is respectfully solicited. Your reply will have an important bearing on the proceedings which I have in hand, and on those already instituted by the attorney of the United States for the district of Maryland, respecting the violation of the laws of the United States by the parties who cleared her and navigated her.

I am, very respectfully,

JOHN McKEON,
U. S. District Attorney.

M.

Mr. Heman J. Redfield to Mr. McKeon.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, May 12, 1855.

SIR: I have to acknowledge the receipt of yours of yesterday relative to the brig "Horatio," and in reply to state that the register of said brig was made by Sidney P. Ingraham, in the name of Velasquez, as sole owner; and was delivered by him to the master on the 4th November, 1855.

The clearance of the brig was made by William H. Brown, on the 1st November, 1854, and was delivered by him to Theodore Meyers, custom-house broker.

I enclose you certified copies of the notarial certificate and of the shipper's and master's manifest. I also enclose a statement of Mr. Ingraham, relative to the oath on the crew list.

I am, very respectfully,

HEMAN J. REDFIELD,
Collector.

N.

Statement of S. P. Ingraham, enclosed in within letter.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, May 11, 1855.

SIR: I made the register of the brig "Horatio" in the name of Velasquez, as sole owner. It was delivered to the master on the 4th November, 1854, by myself, in this office.

The oath of the master on the crew lists was taken on the 1st, and went with the vessel. The certificate of the deputy collector was on *that*, of which there is no copy, and we cannot say which one took the oath. I know the master made the oath. I saw the certificate was signed as taken before one of the deputy collectors.

Respectfully, your obedient servant,

S. P. INGRAHAM.

Mr. Hunter to Mr. Joachimsen.

DEPARTMENT OF STATE,
Washington, May 19, 1855.

SIR: I have to acknowledge the receipt of your communication of yesterday, with its enclosures, and to state that I have requested Mr. Hackley, United States district attorney at Key West, to transmit directly to the United States district attorney, in New York city, the affidavits respecting the "Horatio," which, in the last paragraph of your letter, you ask for.

I am, sir, your obedient servant,

W. HUNTER,
Assistant Secretary.

P. J. JOACHIMSEN, Esq.,
Acting District Attorney of the United States,
Southern District of New York.

Mr. Hunter to Mr. Hackley.

DEPARTMENT OF STATE,
Washington, May 19, 1855.

SIR: In acknowledging the receipt of the letter from this department, which communicated a copy of yours of the 8th instant, respecting the "Horatio," the district attorney for the southern district of New York has suggested that it would greatly facilitate the proceedings of his office if you would obtain sworn statements of the parties within your reach, "fully specifying the various points connected with the finding of the brig, and in what condition found, &c."

I have assured that officer that you will promptly and directly communicate to him all the intelligence of the character specified which you may be enabled to obtain.

I may remark to you that the district attorney of New York is already possessed of many material facts and valuable testimony bearing upon the case.

I am, sir, your obedient servant,

W. HUNTER,
Assistant Secretary.

WILLIAM R. HACKLEY, Esq.,
United States District Attorney,
Southern District of Florida, Key West.

Mr. Hunter to Mr. Hackley.

DEPARTMENT OF STATE,
Washington, June 7, 1855.

SIR: I have to acknowledge the receipt of your letter of the 25th ultimo, communicating information from Captain Skinner, respecting the "Horatio," and have transmitted a copy of it to the district attorney in New York.

I am, sir, your obedient servant,

W. HUNTER,
Assistant Secretary.

WILLIAM R. HACKLEY, Esq.,
United States District Attorney, Key West, Florida.

No. 296.

Mr. Robertson to Mr. Marcy.

CONSULATE OF THE UNITED STATES,
Havana, December 20, 1855.

SIR: Annexed hereto I lay before you a copy of the communication I addressed to the captain general on the 15th instant, on learning that the sentence passed against the Americans, Winn and Chauncey, had been confirmed. I deem it my duty to report that they have had a lawyer to defend them, who, as I am informed, made a very able defence. I would, however, exert myself in behalf of these my unfortunate countrymen; and to-day made a personal appeal to his excellency, and though I have not succeeded, at least thus far, in obtaining a full pardon, I am happy to say that they are not to be put in the chain-gang to work in the streets, but in the navy yard, without chains and treated as other workmen, and, possibly, may be allowed a small salary.

I have the honor to remain, sir, with much respect, your obedient servant,

WM. H. ROBERTSON,
Acting Consul.

Hon. WILLIAM L. MARCY,
Secretary of State of the United States, Washington.

CONSULATE OF THE UNITED STATES,
Havana, December 15, 1855.

MOST EXCELLENT SIR: I have this morning received from the American prisoners in the jail, William Winn and Mark Chauncey, a note informing me that their appeal to the royal audiencia for the revision of the sentence that was passed against them, to wit, three years in the

presidio, has proved of no avail, for the court have confirmed that sentence. I cannot but deeply regret that such has been the sad result of their trial, as they are both men having others dependent on their labor for support, and, according to the affidavits lately received by me, and which I have the honor to enclose herewith, also men of good moral character, who, when they shipped upon the schooner Mary Reed (the name that the schooner Esperanza had on her leaving New York,) did so in the belief that they were bound on a lawful voyage.

The audiencia having already sentenced them, they are now, if I am not in error, exclusively subjected to your excellency's jurisdiction as the superior executive officer and representative of the sovereign in this island; I trust that, after an examination of the evidence now laid before your excellency, you will feel disposed to exercise in their favor some leniency, or what would be still a greater boon, for the sake of their dependent families, accord them a full pardon.

I have the honor to be, with great respect, your excellency's obedient servant,

WM. H. ROBERTSON,
Commercial Agent in charge of the Consulate.

His Excellency Sor. D. JOSÉ DE LA CONCHA,
Governor, Captain General of Cuba, &c.

Mr. Thomas to Mr. McKeon.

DEPARTMENT OF STATE,
Washington, January 14, 1856.

SIR: In reply to your letter of the 12th instant to this department, enclosing a subpœna for my attendance before the district court in the case of the United States *vs.* Manuel Echuria, charged with fitting out in the port of New York the schooner "Mary Jane Peck" for the slave trade, I have to state that I am wholly unacquainted with the case. You are misinformed in regard to any claim concerning this vessel having come before the London commission; no such claim was presented.

I am, sir, your obedient servant,

J. H. THOMAS,
Assistant Secretary.

JOHN MCKEON, Esq.,
Attorney of the United States for the southern district of New York.

No. 7.

[Extract.]

Mr. Robertson to Mr. Marcy.

CONSULATE OF THE UNITED STATES.
Havana, January 19, 1856.

SIR: On the 20th ultimo (despatch No. 296) I reported to you that the captain general had, at my earnest solicitation, consented to lessen the penalty of three years in the presidio to which the Americans, Winn and Chauncey, had been condemned by the superior court. His excellency himself proposed to send them to the navy yard without chains, where they might be made useful and probably receive a small remuneration for their services. I at once communicated this intelligence to the prisoners, who seemed to be gratified by the decision of his excellency. For three weeks I was waiting to hear of their being in the navy yard, when, on the 9th instant, I received a note from Chauncey, of which I accompany herewith a copy, marked No. 1; he was then *en route* he did not know where to, as he promised to write again. I waited to hear from him, and on the 17th I received his second letter, from the Isle of Pines. I send you a copy thereof, numbered two. I confess that I cannot reconcile this disposal of the prisoners with the promise of the captain general, but taking into consideration that they are probably relieved from the chain-gang, and will, as they believe, have the whole island for their prison, without chains, with a chance of adding to their comforts by means of their own labor, I have deemed it most prudent to say nothing further to his excellency on the subject.

I shall send them the small amount remaining in my hands, and I understand there is a subscription among the masters of vessels and others that may *further ameliorate* their condition.

I have the honor to be, sir, respectfully, your obedient servant,
W. H. ROBERTSON.

No. 1.

Mr. Chauncey to William H. Robertson, esq., U. S. Consul.

ARROYO NARANJO,
Tuesday evening, January 8, 1856.

DEAR SIR: We left the royal prison this morning and journeyed thus far, where we are to pass the night, and presuming you are ignorant of our destination as well as ourselves, I have thought proper to address you. Thus far we have been treated *remarkably* well, and, as the expedition appears to be a secret one, and the instructions to the *guardia civil* appear to be very lenient towards us, we cannot be otherwise than satisfied. One only trouble is, that we have but little money

and no clothes with us. Nevertheless, presuming that all is for the best *for us*, we must get along as well as we can. The instructions to the guard are to conduct us as far as Batabano; from thence, they nor we know more. We leave this guard-house at four o'clock to-morrow *via* Bejucal. I shall write you as soon as practicable.

Respectfully, &c.,

M. CHAUNCEY.

No. 2.

Mr. Chauncey to Colonel Robertson,

ISLA DE PINOS,
Tuesday, January 15, 1856.

DEAR SIR: We arrived here on Sunday evening last from Batabano, and are confined here together in the prison of the place, but, I presume, will be at large in a few days. We knew nothing of our destination until we reached Batabano, but we have every reason to be satisfied with it thus far. Here it is customary to confine the prisoners a few days, and then let them go at large about the island, and seek their living the best way they can, which, I presume, is attended with great difficulty, as it appears to be a miserably poor place. The government, I believe, pays each prisoner about five dollars a month for his support.

I should feel extremely obliged to you if you would remit to me what money remains in your hands, of mine, except a half ounce, which you will please pay to the order, &c., &c., &c.

With many thanks for the kind manner in which you have ever acted towards us, I am, &c.,

M. CHAUNCEY.

No. 11.

Mr. Robertson to Mr. Marcy.

CONSULATE OF THE UNITED STATES,
Havana, January 26, 1856.

SIR: I am bound, again, to call your attention to the progress of "Africanization," or rather the renewal of the African apprenticeship scheme. The *expediente* is now in preparation for the introduction of from 70 to 100,000 African apprentices, by order of the home government, and under the permission, sanction, and I may add, the patronage of the British government. I have learnt that the original porposition was that each planter should be entitled to double the number of apprentices to the slaves that he would liberate. The subject is already creating much apprehension among those prudent reflecting

minds that are in the secret, the renewal of the scheme not being generally known. The argument of the advocates of the measure is the want of laborers, to secure a sufficient number of which for eight or ten years is their object, and they are wholly regardless of the ultimate consequences to the island. The high price of sugar and the equally high price of labor are strong stimulants at this time, and account for the cause of General Concha's blindness to the numerous cargoes of African negroes that are landing in various parts of the island. I am authorized to say that every word above stated can be verified. I will give you in another shape the name of my authority, a gentleman who has good opportunities for learning what is going on.

I do not positively assert that the scheme will be carried out, as I know from secret quarters that there is great opposition to it from many persons here, particularly those who are now, and others to be, engaged in the introduction of Chinese, a more dangerous and worse population than the Africans; but there happens to be more money made out of them than by bringing apprentices from Africa.

I have the honor to remain, sir, very respectfully, your obedient servant,

WILLIAM H. ROBERTSON,
Acting Consul.

Hon. WILLIAM L. MARCY,
Secretary of State of the United States, Washington.

No. 14.

[Extract.]

Mr. Robertson to Mr. Marcy.

CONSULATE OF THE UNITED STATES,
Havana, January 31, 1856.

SIR: I beg leave to call your special attention to an article upon Chinese immigration, in the Diario de la Marina, of the 26th, already sent to the department; and to the article in the same journal, of this date, (which I enclose herewith) in defence of African colonization. This last article is attributed to the pen of a very wealthy and influential planter, (from Old Spain,) and clearly shows that the subject is renewed, and is a matter of public discussion now. It is becoming an exciting question to the planting interest with the prospect of high prices for sugar for some time. The planters must have laborers, and they will have them, let the sacrifice or consequences be what they may. You will, no doubt, read the two articles alluded to with great interest. * * *

I am, sir, respectfully, your obedient servant,

W. H. ROBERTSON.

With Mr. Robertson's No. 14, *January* 31, 1856.

[From the Diario de la Marina, January 31, 1856.]

The impartiality which has ever led us to open our columns to articles of a general interest, even when they do not entirely accord with our ideas, lays us under the obligation of inserting the communication of a respectable planter, with whose friendship we are favored. Its object is to answer another article which we published a few days ago. For our individual self all that we have to say is, that it is our dearest wish that, in the full discussion to which the question is entitled, no other considerations should be had than those which grow out of the welfare of the country, to which personal interests and biases should yield:

"Public attention, in Havana, must have been directed to an article which was published in the Prensa, of the 23d instant, and copied in the Diario de la Marina, on the 26th. Through this article may be traced the eager desire of some men to make a defence of Asiatic immigration, whilst they oppose and hamper the introduction of the African race.

"I come forward, without any subterfuge, as an apologist for African immigration. The champions of Asiatic colonization have already set forth their reasons for the defence of their cause, or, more properly speaking, for the success of their speculation. I shall adduce mine with the moderation and seriousness which should characterize the discussion of questions of so high an importance. The supreme government, in its better judgment, weighing in equal scales the general welfare, and passing by the interested pretensions of the supporters of both colonizations, will settle upon that which may be more acceptable, and public opinion formed on this score, upon utilitarian principles, will express itself, more or less, in favor of this or that system; though, in my opinion, neither should be excluded from acceptance. Previous to opening a defence of the introduction of Africans, I will advert both to the praises lavished upon Asiatic immigration by its supporters, and to the objections which they array against the African system.

"In the great scarcity of hands, which prostrates Cuban agriculture, I do not say, in order to supply the present deficiency, that said Asiatics should not be resorted to; but I do say that even *orang-outangs* should be used were they susceptible of domestication. If, however, it be certain that this pressing necessity fastens the said Chinese upon the planters, at a cost by no means reasonable; if it be certain that some of them, though not many, have professed themselves satisfied with their labor and deportment, it is no less certain that infinitely greater is the number of those who are disgusted, although compelled to bear with them, on account of their very necessities. I even knew not a few of those planters who had desired to procure a greater number of those colonists, and have made application to that effect, who have repented their wishes and discarded the idea, preferring to leave

a portion of their crop wasting in the field, and to lose a considerable number of boxes of sugar for want of an effective force.

"The apologists for Asiatic colonization exert themselves to prove also that the introduction of those individuals in the Island of Cuba has produced no epidemic. I do not know on what ground they stand to warrant the assertion, when it is notorious that, with the arrival of every expedition which has taken place, since the year 1850, the cholera has broken out in a greater or less degree of intensity. This fact can be easily established by the agents of the depots at Chorrera, and in the hulk anchored in the bay, as also by many a planter who had the misfortune of losing, through those epidemics, as many useful African hands as there were useless coolies introduced. The same apologists of this race have been compelled to confess their viciousness; though, they say, they may be turned to account by proper management. I say that they are not only vicious, but that they are corrupt also. Woe to the Island of Cuba should these new colonists, supplying the decrease of the submissive and obedient Africans, eventually make up a population equal to that of the slaves at present existing on its soil! The fatal consequences of such a state are so readily conceived that I will not stop to enumerate them.

"It is also said that Guayana, Demerara, the Island of Mauritius, and other points of the West Indies, introduce the Chinese in preference to the African. And why so? Because the African, left to his own free will, unsubjected to any landlord, with no compulsion to labor, save that of hunger, satisfies the wants of nature by one or two days' work, spending the rest of the week in idleness and the *dolce far niente*—the natural state of every man who has no education, wants, or stimulants to work. I shall enter into more extended explanations on this head when I take up the defence of African colonization.

"Another objection is, that the slaves, by the alternations of labor, in common with others of their own color, possessing greater privileges than they do, might eventually become demoralized. This unsubstantial objection may be easily dispelled by a mere consideration of the many means of which the planter can dispose, both to engage said colonists in special works, and, in the course of time, to intrust certain estates to their exclusive cultivation. It might, at first, be necessary that they should divide their labors with the slaves. A due separation, however, in their cabins and their tasks, such as has been adopted in many places with the Chinese, would prevent all inconvenience, provided the overseers of plantations have sufficient tact and prudence, to control the one and the other set of hands. To those who believe that the daily stipend paid to one set, yet denied to the other, might breed discontent in the minds of the slaves, there is an obvious answer in the fact that, even pursuing this course, the condition of the slave would be more favorable. The Coolies, receiving but two dollars a month, whilst the other two dollars remain on deposit, for purposes to be hereafter mentioned, are not so advantaged as the African slave, whose peculium is greater—being derived from the patches of land granted to him by the master, for raising poultry, hogs, and even for planting corn.

"Having already shown that nothing but the scarcity of hands

ment has contracted so many compromises with the abolitionists of the slave trade, it could not help following their wishes and complying with their requirements. As these were of an extreme character, it was compelled to allow said apprentices full liberty to work whenever they please. Hence their inertness is not to be affected, save, as I have already mentioned, when aroused by the call of hunger, easily satisfied, in the tropics, by the abundance of bananas and the variety of farinaceous roots, which the negroes prefer to any other kind of food.

"Now, as the Africans should not be admitted in the Island of Cuba, except under conditions similar to those imposed for the introduction the Asiatics, securing to them monthly wages in compensation for a defined labor carried on under the direct and reasonable control of a landlord, there is no apprehension to be entertained from such laziness, as it is apparent that, with the precautions pointed out, and even through the good examples of their companions of the same color, there would not be one who would refuse the performance of feasible work. This is a truth which none can gainsay.

"As it is not my intention to forestall the judgment of either the government or the public in a question of so vital an importance, I will confine myself to the few remarks which I have just made, and reserve many others, which may be suggested, by an opportune occasion.

"Having thus defined my position in this matter, as well as that of the advocates of Asiatic immigration, an impartial public cannot fail to decide whose is the side of reason, which should ever prevail, on every isolated pretension and every speculative object.

"The editor of the Diario de la Marina will, in conclusion, be pleased to give insertion to this article in the columns of his paper, and oblige, &c., &c.

"ONE INTERESTED IN AFRICAN COLONIZATION.

"HAVANA, *January* 27, 1856."

No. 30.

Mr. Gillmer to Mr. Marcy.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, February 1, 1856.

SIR: I have now to advise that a schooner of 122 tons burden, with the name "Mary E. Smith," of New Orleans, painted on her stern, which left the wharf in Boston on the night of the 25th of August, 1855, (owned by Vincent D. Cranotick,) in spite of the endeavors of the collector of said port to detain her as a suspicious craft, destined for the slave trade, has completely verified the suspicions then attached to her. She was brought into this port on the 29th ultimo a prize to the Brazilian brig-of-war "Olinda," with over 370 slaves on board, having been captured at the port of St. Mattheos in the province of Espiritu Santo, to the south of this. From what I can learn at present it would appear that several attempts had been made

to land the slaves at different points on this coast, but, to the credit of the Brazilian authorities and people, were in every instance repelled. The mortality of the slaves on board has been dreadful, and the survivors are represented as little more than moving skeletons.

This affair presents the most horrible and disgraceful features of any which ever came under my observation, and it is aggravating to think that a foreign scoundrel, covered with the mantle of an American citizen, should have had it in his power so to disgrace the flag of our country.

At present I have no further particulars to communicate, but have informed Mr. Trousdale, minister at Rio, of the facts, for whatever action he may think proper to adopt, or direct me to adopt in the premises.

The president of this province has not yet informed me officially of the case, but no doubt he will do so. In the meantime I can see no tangible motive for interfering officially, as the vessel was captured within Brazilian jurisdiction, and not on the high seas.

I have the honor to be, most respectfully, your obedient servant,

JOHN S. GILLMER, *Consul.*

Hon. WM. L. MARCY,
Secretary of State of the U. S., Washington.

Mr. Robertson to Mr. Marcy.

No. 17.] CONSULATE OF THE UNITED STATES,
Havana, February 7, 1856.

SIR: I had the honor to receive, on the 31st, your despatch of 21st ultimo.

On the 31st I received a communication, dated 28th ultimo, from the captain general, embodying a copy of a letter addressed by his excellency, through his political secretary, to William Winn's brothers at New York, wherein they are informed that the captain general of Cuba has no authority to remit penalties imposed by the courts of justice; that the utmost he can do is to suspend the penalty of death in certain cases until the sovereign's will be received, and to remit one-third of the penalty after one-half of it has been undergone, provided such a course be justified by the good behavior of the prisoner. His excellency further gives to expect that, if Winn behaves well, that benefit will be extended to him. I presume that Chauncey will be treated in the same manner, under like circumstances. The latter wrote, a few days since, from the Isle of Pines, stating that both he and Winn were well treated, and allowed to move freely, though still under the eye of a guard.

The discussion as to the respective merits of Chinese and African immigration is going on in the public prints. See "Prensa de la Habana" of the 2d and 6th insts. I am assured, by reliable authority, that the question of the propriety of permitting the introduction of African apprentices was referred to the *junta de fomento* (board of

improvements) for their opinion, which board returned an advice unfavorable to the scheme.

I have the honor to be, sir, with high respect, your obedient servant,

W. H. ROBERTSON.

Mr. Gillmer to Mr. Marcy.

No. 31.] CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, February 12, 1856.

SIR: Since my communication of 1st instant, copy of which is enclosed, I received a note from Cranotick, the English and spelling hardly to be understood, as follows:

"Mr. GILMORE, *Unoid St. Consul:*

"I been very glad sinz to-day no hospital of Bahia. Vy resp.

"BARBALLEO PRISON, *Febb.* 6, 1856.

"VINCENT D. CRANOTICK,
"*Capp of Sc Mary E. Smith, New Orleans.*"

of which I took no notice.

The Africans were landed, and the following appeared in the newspaper "Diario da Bahia," of the 8th instant, relative to them:

[Translation.]

"*Captured Africans.*—We are informed by a competent person that the mortality has risen to 106, including some who died on the water. The large number of deaths the past few days is not surprising, in consequence of the breaking out of *maculo* and cholera. It is said that the place of deposit chosen for these unhappy people is not good, and probably not one will escape, seeing that the number of deaths increase daily. Many have been sent to the hospital to die within a few hours, and of those existing, it is believed few will escape, even should the best measures be adopted."

I also see by another paragraph in the newspaper that Cranotick is an Austrian by birth, but a naturalized citizen of the United States, and that he served some years service as chief officer in one of the Brazilian steam packets running along this coast. The whole affair seems to have originated in Rio de Janeiro, and it is reported that five other vessels have been prepared for the traffic in a similar manner to the schooner "Mary E. Smith."

The president of this province has not yet seen fit to apprise me, officially, of the case.

I have the honor to be, most respectfully, your obedient servant,

JOHN S. GILLMER, *Consul.*

Hon. W. L. MARCY,
Secretary of State of the United States, Washington.

Mr. Thomas to Mr. Gillmer.

WASHINGTON, *April* 15, 1856.

SIR: Your despatches to No. 31, inclusive, have been received.

The account given in Nos. 30 and 31 presents a revolting picture of the condition of the slaves, 370 in number, attempted to be introduced into Brazil on board of the schooner "Mary E. Smith," of New Orleans, which vessel, it appears, was captured at the Port of St. Matheos, in the province of Espiritu Santo, by the Brazilian brig-of-war "Olinda," and taken into Bahia. It is greatly to be regretted that the American flag continues to be used for the accomplishment of the nefarious ends of persons engaged in this infamous traffic; and it behooves this government to exert all the means it can to bring to trial any citizens of the United States who may be found thus violating the laws of their country. You are therefore requested, should any legal proceedings be had in this case at Bahia in which developments shall be made tending to criminate persons in this country, to communicate all such facts and evidence to this department as will enable the government to proceed against them, agreeably to the acts of Congress for the suppression of the African slave trade.

I am, sir, your obedient servant,

J. A. THOMAS,
Assistant Secretary.

Mr. Robertson to Mr. Marcy.

[Extract]

No. 42.] CONSULATE OF THE UNITED STATES,
Havana, April 25, 1856.

SIR: I beg leave to enclose you herewith a circular (now in circulation) to her Catholic Majesty, praying her consent to the admission of immigration from Africa. The terms for the immigration are not mentioned in the circular.

I am aware from conversations I have had with General Concha since his return from his tour through the island, that he has become more than ever sensible of the great importance of a greater increase of hands for the development of the vast resources of this island, and especially in the cultivation of sugar and tobacco. Hence this circular.

* * * * * * * *

* * I have not had time to translate it, as it has just been put into my hands, and it is now late at night, and the steamer that will take this is to leave very early to-morrow morning.

I have the honor to be, sir, with great respect, your obedient servant,

WM. H. ROBERTSON,
Acting Consul.

Hon. WILLIAM L. MARCY,
Secretary of State of the United States, Washington.

Memorial to the Queen.

MADAM: We, the planters and merchants of the Island of Cuba, who subscribe this memorial in our names, and in those of many of our friends and relations, whose momentary absence forbids them joining in the act—not deeming presumptuous to assume to speak for every property holder of the country, saving a very few exceptions of clashing interests—have the honor to approach the throne to enlist your Majesty's attention in behalf of a great scheme of *African immigration*, which, as we are informed, is soon to be brought before your Majesty through the instrumentality of your captain general in these your dominions—a scheme which has been devised by one of the wealthy proprietors in this island, who contributes most largely to the resources of the state. We allude to D. José Suarez Argudin.

This scheme being based upon the principles laid down in the memorial which D. Mariano Torrente, provincial and army intendent, published in London in 1853, in both the Spanish and English languages, we cannot do less than support it with even our feeble efforts, and earnestly, though humbly, beg your Majesty to vouchsafe to take it into consideration.

We are aware, madam, beyond the shadow of a doubt, of the favorable reception which it met at the hands of him who, at that period, was your envoy at the British court, and through whose channel several copies of it were submitted to your Majesty. Equally aware are we that many others were communicated to the ministers and principal functionaries of that government, as also to the most influential members of both houses, its author giving it, at the same time, the widest circulation, in order that, public opinion being previously prepared, the execution of the scheme might find fewer difficulties in its way.

The matter was made equally public in the United States, although some of the papers of that country gave to said memorial, and that not with the most friendly intentions, a construction widely different from its true spirit, gratuitously and illogically supposing that its hidden object was the substitution of a free for a slave population in the Island of Cuba—an absurdity which challenges a name.

The government of your Majesty was also made acquainted with the eager desires which the planters of Cuba have entertained, and which they now more than ever ardently entertain, to see the establishment of *African immigration*, surrounded by such solid guarantees as it may please your Majesty to prescribe. This knowledge your government derived, not only from the memorial referred to, but also from the efforts directly made by its author, and from the individual exertions of one of the most extensive rural proprietors of the country, such as is D. José Suarez Argudin, who took the first steps in this measure, and signed the scheme already mentioned.

As the controlling reasons of expediency, and even of necessity, are fully explained in the scheme and memorial both, we shall not, madam, presume to trouble your Majesty with new practical illustrations, which cannot but suggest themselves to your high and keen

perceptions. We will, therefore, confine ourselves to the expression of our deep conviction that no race save the African is competent to supply the deficiency of hands with equal chances of results favorable to the prosperity of the island. Neither now nor in a remote future can even the most suspicious mind discover any motive for distrust or fear in the introduction of colonists so submissive, so humble, and so obedient, as those individuals are and have ever been. Their admission into Cuba has now become still more urgent, since the cholera, recurring almost every year, the small-pox, and other diseases, which, unfortunately, but too frequently invade our soil and fiercely attack the population which is engaged in the labors of the field, go on tithing and decreasing that population to such a degree that, with the rapid decrease which it cannot but experience, and which the best efforts of those interested, whether on the score of humanity or interest, must fail in checking, the wealth of this prosperous island will feel a corresponding decrease, unless efficacious and counteracting means be promptly adopted.

Among those means, madam, none can be found better calculated for the end in view than the importation of African colonists, experience having proved that the other races, including the white race, have been far from realizing the beneficent intents of your government, that had authorized their introduction.

We, therefore, most humbly beg your Majesty that it may be pleased to grant the permission which we solicit, for the introduction into the Island of Cuba, by way of an experiment, of forty thousand colonists from the coast of Africa, as has been done with most satisfactory results in others of the Antilles, hoping that your Majesty will order those terms and conditions which may suit her high pleasure and conciliate and harmonize private interests, without giving rise to complaints on the part of other nations; an end which, with the antecedents already established, may be easily attained; for they must have, in a great degree, removed the most formidable obstacles which, at first sight, might have opposed the success of so important an undertaking.

We appeal for this high favor, which may well be considered as the sole anchor of our hope, and which, we doubt not, we shall find in the gracious heart of your Majesty, ever disposed to protect and advance national wealth, and especially the wealth of this privileged soil and royal domain, generally held to be the brightest jewel in the crown of Castille, which so worthily encircles your Majesty's brows.

Madam, at your Majesty's royal feet.

HAVANA, *April* 24, 1856.

Mr. Robertson to Mr. Marcy.

No. 46.] CONSULATE OF THE UNITED STATES,
Havana, May 14, 1856.

SIR: I have not as yet had it in my power to lay before you in full the last scheme or *plan for bringing African* apprentices to this island,

but can now give you from the pen of one who has had access to the document, which comprises about ten sheets of paper, the following synopsis and comments. The gentleman referred to is well known to you, and, in every respect, worthy of credence.

"The petition of José Suarez Argudin addressed to the local government of General Concha, in order to supply labor from Africa for the culture of cane, is being fostered beyond expectation.

"The petitioner confidently states that the British premier was convinced some years ago that the system could, without injustice, draw from Africa 40,000 civilized Africans, capable of appreciating the consequence of their engagements, and that everything could be arranged in a manner satisfactory to those opposed to the slave trade.

"In developing its items we notice that the local governments of Africa are considered a proper channel to convey a considerable portion of the apprentices' wages to their *families*. In the meantime, and apparently for this pious end, about one half of the same is withheld and deliberately applied to the establishment of a bank for the special benefit of planters, to whom advances will be made on long credit and at low rates of interest.

"Señor Argudin modestly proposes himself as a fit character to monopolize the importation of apprentices, on account (he says) of his peculiar knowledge of African matters, probably derived from his former share in the slave traffic.

"In a curious set of by-laws, intended, it seems, to blind British agents, it is solemnly forbidden to buy these apprentices from *sordid* speculators or ferocious chiefs. This injunction and a few Spanish agents scattered over a vast extent of African coast are the principal guarantees against abuses.

"The apprentices introduced would be bound for ten years, and would cost the planter $170 each, from which sum $34 would be applied to banking or other objects by the importer, unless he should experience losses; apprentices sick on landing, or who become so afterwards, are not remunerated. The full wages of each apprentice to be four dollars per month; of this they would receive two dollars, and the rest would be payable at the expiration of the ten years.

"The petitioner discourages the introduction of women, but the offspring of such as should be imported would be bound to accept similar contracts at the age of eighteen years, or be forced away from the country.

"These items of Argudin's scheme are not all made public. The planters at large are only told that the labor they want is forthcoming, and are therefore encouraged to subscribe the petition which is now handed about, as may be read in the Diario de la Marina, of May 13, *i. e.*, yesterday."

It is known that the document in question has been laid before the "Junta de Fomento," which has made a report against the scheme proposed therein. Also before the *Audiencia*, and it now remains with the University. This institution, it is believed, will also report against it, hence the circular to procure a large number of signatures to counteract the reports of the various corporations to which it has

been referred. I am assured that the collection of signatures is in progress with considerable success.

For my part I would have no hesitation in asserting that the real object of the plan is a license to the slave trade. All cargoes that may be met at sea by English or Spanish cruisers would be apprentices—of these, there would be but few—all others would be slaves and sold as such.

I have the honor to remain your obedient servant,

W. H. ROBERTSON.

Mr. Robertson to Mr. Marcy.

[Extract.]

No. 50.] CONSULATE OF THE UNITED STATES,
Havana, May 29, 1856.

Information has been brought to me this morning that the petition to the Queen of Spain praying for permission to import African apprentices has obtained already a large number of signatures, the number of apprentices subscribed for exceeding 80,000. The petition is soon to be sent to Spain under the especial sanction and recommendation of General Concha.

I have the honor to be, sir, with high respect, your obedient servant.

W. H. ROBERTSON.

Mr. Thomas to Mr. Dobbin.

DEPARTMENT OF STATE,
Washington, June 20, 1856.

SIR: I have the honor to inform you that this department has been advised by Mr. John G. Willis, the United States commercial agent at St. Paul de Loando, that "the slave trade is still carried on to some extent by vessels sailing from New York, notwithstanding a large part of the English squadron are on this part of the coast all the time." The commercial agent adds: "If the United States government wish to put a stop to the trade they must give such instructions to their squadron as will keep them on this part of the coast. The only United States vessels seen here for the past twelve months are the 'Dolphin,' 'Jamestown,' and 'St. Louis,' neither of which remained here only (except for) a few days, as they said they must go to Port Praya for provisions. I have previously endeavored to call the attention of the government to the want of United States vessels on this part of the coast to protect our commerce here and at Amtriz, and

have informed the department that a depot of provisions could easily, and at small cost, be arranged here."

I am, sir, your obedient servant,

J. A. THOMAS,
Assistant Secretary.

Hon. JOHN C. DOBBIN,
Secretary of the Navy.

Mr. Thomas to Mr. McKeon.

DEPARTMENT OF STATE,
Washington, June 20, 1856.

SIR: It is stated in a communication, No. 11, addressed to this department by John G. Willis, esq., United States commercial agent at St Paul de Loando, that the slave trade is still carried on by vessels sailing from New York.

An extract from the despatch is herewith enclosed, and also a copy of a letter addressed by Mr. A. A. Silva to the commander of the United States ship "St. Louis," in which certain statements are made in regard to a vessel which sailed from New York and was captured on the African coast by one of the Portuguese squadron, and subsequently condemned as a slaver. It is to be hoped that the information which is thus furnished may be found useful, in connexion with such as may be in your own possession, in bringing to justice individuals in New York, who, as there is reason to believe, are engaged in the African slave trade.

I am, sir, your obedient servant,

J. A. THOMAS,
Assistant Secretary.

JOHN MCKEON, Esq.,
United States District Attorney, New York.

Mr. Robertson to Mr. Marcy.

No. 56.] CONSULATE OF THE UNITED STATES,
Havana, June 26, 1856.

SIR: I have the honor to draw your attention to the Havana Official Gazette of the 24th instant, (herewith enclosed,) on the first page of which you will see a circular of the captain general to the various lieutenant governors of the island on the subject of registration of slaves. A translation of that document I accompany with this. You will find also in said paper two semi-yearly returns of slaves registered last year, that is, of slaves for whom tickets or certificates were issued; and as a law requires that all slaves shall be registered and certificates obtained for them, it is to be presumed that the two statements

(especially the one for the second half year) profess to give the number of slaves existing in Cuba in 1855.

According to those statements there were at the termination of the first six months 374,806 slaves of all ages, of whom 226,059 were males, and 148,747 were females, owned by 45,253 proprietors.

The proportion of males and females in the towns, as appears in said statement, being:

	Males.	Females.
Able bodied, upwards of 12 years and under 60...	24,155	28,280
Disabled, upwards of 12 years and under 60.....	779	429
Under 12 years.....	7,000	7,609
Over 60.....	1,206	1,233
	33,140	37,551

The proportion in the country upon plantations was as follows:

	Males.	Females.
Able bodied, upwards of 12 and under 60.....	146,731	75,346
Disabled, upwards of 12 and under 60.....	1,550	927
Under 12 years.....	33,876	30,048
Over 60.....	10,762	4,875
	192,919	111,196

For the certificates or tickets of registration issued in those six months, the government recovered the following amounts:

Cities and towns.

First class at $1 each, 52,435 slaves.....	$52,435 00
Second class at 12½ cents each, 18,256 slaves.....	2,282 00
	54,717 00

Plantations.

First class only 12½ cents each, 304,115 slaves.....	38,014 37½
Total.....	92,731 37½

According to the returns for the last six months of 1855, the number of slaves in the island decreased 8,243, notwithstanding births and importations, to wit: total number 366,563 of all ages, of whom 218,565 were males and 147,998 were females, owned by 49,136 proprietors. The proportion of males and females being—

In cities and towns.

	Males.	Females.
Able bodied, upwards of 12 years and under 60...	22,616	26,561
Disabled, upwards of 12 years and under 60.....	967	475
Under 12 years.....	7,083	7,975
Over 60.....	1,021	1,117
	31,687	36,128

Upon plantations.

	Males.	Females.
Able bodied, over 12 years and under 60	140,946	75,269
Disabled, over 12 years and under 60	1,257	627
Under 12 years	34,150	31,633
Over 60	10,525	4,341
	186,878	111,870

For the tickets or certificates issued, the government collected the following sums:

Cities and towns.

First class at $1 each, 49,177 slaves	$49,177 00
Second class at 12½ cents each, 18,638 slaves	2,329 75

Plantations.

One class only, 12½ cents each, 298,748 slaves	37,343 50
Total	88,850 25
Add amount recovered in 1st class, six months	92,731 37½
Grand total for the year	181,581 62½

which, added to the aggregate levied for tickets to *emancipados*, *free negroes*, *Chinese*, and *Yucatanese*, it will be perceived that *cédulas* are a respectable source of revenue to the government.

Very little reliance can be placed, however, on those statements; it is notorious that a large number of negroes upon plantations are concealed with or without the connivance of the local authorities. Of this General Concha seems to be well aware; hence his strict instructions in the circular. His excellency appears likewise to be suspicious that there are large numbers of tickets out for negroes that do not exist, and which were obtained to prepare for future importations from Africa. I have, some time since, advised you of the sales of newly imported Africans, with their *cédulas* and *fées de bautismo* (certificates of baptism;) to this statement the captain general's words give a quasi confirmation.

General Concha appears to be quite anxious to put down the slave trade. Heretofore, I do not think that his efforts have wholly met with success, hereafter, the decrease in the number of hands will raise their price, and the avarice of the traffickers will drive them to bring cargoes in spite of all risks. If the new scheme for importing African apprentices is approved of by the home government, as it is said to be by the British government, then there would be no fear of Cuba being short of laborers—both of the class of slaves and that of apprentices.

I have the honor to remain, very respectfully, your obedient servant,

W. H. ROBERTSON.

[Translation.]

Circular from the governor general of Cuba to the various lieutenant governors of the island.

OFFICE OF THE GOVERNOR, CAPTAIN GENERAL, SUPERINTENDENT GENERAL, DELEGATE OF THE EXCHEQUER, OF THE EVER FAITHFUL ISLAND OF CUBA.—GOVERNMENT SECRETARY'S OFFICE.

I call your attention to the tickets or certificates (cédulas) of registration of slaves, to the end that there be accompanied to your returns the necessary information and remarks that will enable proper deductions to be drawn from them.

One of the most important cases that you must make clear with your explanations is, that of the remarkable difference between the total or partial result from one half-year to another, or from year to year, inasmuch as to estimate the same properly it is convenient to know from what source that difference proceeds; if it is the effect of some special cause of mortality; if industry has assumed some new directions; where the slaves that occasioned the increase proceeded from; and other analogous circumstances. It is likewise important to know, as nearly as possible, what is the proportion betwixt males and females in each town, or in each plantation, on an average; what is the mean and approximate number of children of the two sexes; the proportion of each sex in the same town or estate; and other elements conducing to estimate and calculate the movement of this slave population.

And, lastly, you must explain and determine, with the precision and data that you may be able, all and each one of the deductions which these documents may be used for under their statistical aspect. You will be particular to state whether you believe that in the register are included all the negroes of your district; and, if such be not the case, make a calculation or estimate of such as shall have been concealed, specifying, as nearly as you may, the ages and sexes, and explaining the means that the parties interested avail themselves of for such concealment, and how those means may be frustrated. You must also fix your consideration upon the possibility and modes employed; that the tickets or certificates represent a number of slaves not existing, to prepare the introduction of *bozal* negroes, and defeat the action of authority, on prosecuting the same. All with the character of an official report, independently of what, in each special case, may be, or have been determined, for purposes appertaining to the administration of justice.

All these observations you will make, on forwarding the statement for the half year that will terminate with this month, taking, as a point of comparison, those of the two half-yearly returns of the last year.

God preserve you many years.

CONCHA.

HAVANA, *June* 19, 1856.

Mr. Savage to Mr. Marcy.

No. 64.] CONSULATE OF THE UNITED STATES,
Havana, August 10, 1856.

SIR: * * * * * * *

But the most important of the reports is, should it prove true, that the Spanish mail steamer, which arrived from Cadiz on the 6th instant, brought the assent of the government at Madrid to the proposition of Don José Suarez Argudin, for the introduction of 40,000 African apprentices. It is added that the British government have given their sanction to the scheme, under the conditions that slavery must be abolished within the next forty-four years, and that the vessels and persons to be engaged in the expeditions for bringing the apprentices shall be registered at the British consulate. Mr. Crawford, the British consul general, declares the report to be wholly untrue.

I have been informed besides, that a person named Engelhardt, who has been for some time an assistant physician at one of the marine hospitals of this port, had been engaged by Argudin to go as surgeon to the first expedition. I am inclined to believe that the whole report is premature, but will be on the lookout for any correct information on the subject, and report it. Don Mariano Torriente, who was the master-spirit of the scheme for introducing African apprentices in Cuba, died in this city some few days ago. * * *

Some days since I received a letter dated 20th ultimo, from Winn and Chauncey, the Americans confined in the Isle of Pines, informing me that they had ten days before *left* the authorities, and that owing to the orders of the local authority they had not succeeded in leaving the isle, and their means were exhausted. Whether they were recaptured or finally escaped I am ignorant at present, but expect to learn in a few days.

I have the honor to remain, sir, with great respect, your obedient servant,

THOS. SAVAGE, *Vice-Consul.*

Hon. WM. L. MARCEY,
Secretary of State of the United States, Washington.

Mr. Savage, vice-consul, to Mr. William L. Marcy.

[Extract.]

No. 66.] CONSULATE OF THE UNITED STATES,
Havana, September 3, 1856.

* * * * In my No. 64 (August 10) I advised you that I had received a letter from Winn and Chauncey, the American prisoners at the Isle of Pines, informing me that they had escaped from the authorities and were concealed until an opportunity should offer to leave the island. I have since received a communication from a person residing there, dated August 20, to the effect that

a month and a half had elapsed since the prisoners left the authorities, and he had heard no tidings about them since the 22d of July, which induced him to believe that they had succeeded in effecting their escape from the isle.

I am, sir, very respectfully, your obedient servant,

THOS. SAVAGE.

Mr. Savage to Mr. Marcy.

[Extract.]

No. 67.] CONSULATE OF THE UNITED STATES,
Havana, September 6, 1856.

SIR: I regret having to report to you that the Americans, William Winn and Mark Chauncey, who made their escape from the authorities at the Isle of Pines, after wandering through the isle for forty-three days without finding the means to put to sea, were retaken and brought to this city, where they arrived night before last, they are now confined in the jail with light chains to their legs, and, so far, have been kindly treated. I presume they will be set to work at stone cutting.

I am, sir, very respectfully, your obedient servant,

THOMAS SAVAGE.

Mr. Thomas to Mr. McKeon.

[Private.]

DEPARTMENT OF STATE,
Washington, September 20, 1856.

DEAR SIR: I transmit a copy of a memorandum relative to the manner in which the African slave trade is prosecuted from New York. The authenticity of its statements may be relied upon, and the facts may be found useful in conducting prosecutions and in leading to the detection of future offenders.

Very truly yours,

J. A. THOMAS, *Assistant Secretary.*

Hon. JOHN MCKEON,
United States Attorney, New York.

Mr. Robertson, acting consul, to Mr. Marcy.

No. 71.] CONSULATE OF THE UNITED STATES,
Havana, September 30, 1856.

SIR: In a conversation recently held with General Concha on the subject of the slave trade, he assured me that there had not been five hundred negroes brought from Africa into the island the past year,

and that all the reports to the contrary were untrue. I presume the general had reference to the number *officially* reported to him. I would not doubt for a moment that the general believes what he asserts; but the great discrepancy between his statement and the reports of those who seem to have watched and investigated the subject with intelligence is very great, the assertion of the latter exceeding 25,000. I suppose the official report must be the one relied upon.

I have the honor to be, very respectfully, your obedient servant,

W. H. ROBERTSON.

Mr. Marcy to Mr. McKeon.

DEPARTMENT OF STATE,
Washington, October 3, 1856.

SIR: I enclose with this an abstract of documents, &c., received from our consul at Bahia, Brazil, at this department, in relation to the violation of the United States laws against the slave trade. I think it will aid you in your efforts to detect the offenders in and about New York.

Mr. Figaniere, the Portuguese consul general at New York, has been suspended by his government, but his restoration will be claimed if his complicity in the business cannot be established.

The papers I send you show his dealing with those engaged in the traffic, but they do not establish his connexion in the crime. He is under suspicion, and must expect that his conduct should be closely scrutinized. He ought to be willing to enter into any explanations which may be required of him.

I desire to be fair and just to him, but if implicated I hope he will be detected.

Yours truly,

W. L. MARCY.

JOHN MCKEON, Esq.,
United States Attorney, New York.

Mr. Blythe, consul, to Mr. Marcy.

No. 86.] CONSULATE OF THE UNITED STATES,
Havana, December 6, 1856.

SIR: The object of this despatch is merely to inform you that on the 2d instant a Spanish ship called the "Emigrante," of 448 tons, arrived from Macao, *via* Manila and St. Helena, with 320 Chinese coolies, having, during the passage of 230 days, lost about 80 coolies, if I have been correctly informed.

I understand that a certain proposition has been laid before the

captain general to bring here, as apprentices, natives of the Spanish islands of Annobon and Fernando Po, "as one of the means, and the most efficient one, to civilize the inhabitants of those islands." Whether this proposition will be deemed worthy of consideration is not known. The journal "La Prensa de la Habana," of this morning, contains a *leader* on this subject.

I have the honor to be, sir, very respectfully, your obedient servant,

A. K. BLYTHE,
United States Consul.

Mr. Blythe, consul, to Mr. Marcy.

No. 88.] CONSULATE OF THE UNITED STATES,
Havana, December 13, 1856.

SIR: In my communication No. 86 I had the honor to inform you of a certain proposition made to the government of this island by a person named Don Anselmo M. Meana, one of the objects of which is to bring natives of the Spanish African possessions in the Gulf of Guinea (Fernando Po, Annobon, and Corisco) to Cuba as apprentices for eight years.

The whole scheme has appeared in the journal "La Prensa de la Habana," of the 11th and 12th instant, with editorial remarks against it. It is believed that the proposition will not be acceded to by the supreme government at Madrid, and that, even if it were so, that part relating to the importation of apprentices could not be accomplished to any extent, the population of those islands being quite small, much disinclined to labor, and such as would not be induced by any consideration to leave their country.

The project appears to be not worthy of much consideration; but I have drawn your attention to it, deeming it my duty to keep the department advised of all that transpires on the important subject of laborers upon this island.

The numbers of the "Prensa" containing the scheme above mentioned will be enclosed herewith. I do not, owing to the great length of the documents, accompany translations, which may be forwarded at a future day, should the proposition obtain a favorable hearing from the Spanish government.

I have the honor to be, very respectfully, your obedient servant,

A. K. BLYTHE,
United States Consul.

Mr. Marcy to Mr. Cushing.

DEPARTMENT OF STATE,
Washington, December 30, 1856.

SIR: I have the honor to enclose herewith, for your consideration, a copy of two despatches, Nos. 89 and 90, received from the United States consul at Havana; the original enclosure, being a copy of testimony in the case of the disappearance of John Brown, steward of the bark "George D. Smouse," of Boston, on the passage from Mobile to Havana, is also transmitted.

The consul, Mr. Blythe, desires to be instructed as to what amount of evidence, in such cases, is necessary to authorize a consular officer, in similar cases, to arrest an individual and send him to the United States for trial; whether the same force of testimony only is required as would justify a magistrate in holding to bail in ordinary cases.

I am, sir, your obedient servant,

W. L. MARCY.

Hon. C. CUSHING,
Attorney General.

Mr. Hallett to Mr. Marcy.

OFFICE OF UNITED STATES ATTORNEY,
Massachusetts District, Boston, Jan. 5, 1857.

SIR: In August, 1856, the schooner "Mary E. Smith," De Cranotick, master, was fitted out for the slave trade, in Boston, and escaped the warrants I issued against her, by the imbecility of one of the revenue cutter officers. She went direct to Africa, took her cargo of slaves, and was captured by the Brazilian government. The supercargo was tried at Bahia, (the captain dying in prison,) and a full report of that trial, I learn, was made to your department by the United States consul. Among the papers found on board were several original letters of *Manuel Bazilio da Cunha Reis,* a partner of Figaniere, Reis & Co., of New York, which disclosed the fact of his one-third ownership of the "Mary E. Smith," and of his having given her despatch from Boston. I have a hold of this Da Reis, and sufficient evidence here to prove the whole transaction, except his ownership and the dispatch he sent from here. Will you please forward to me copies of all that relates to Da Cunha Reis in this transaction, and take measures to obtain from the Brazilian government the originals in his writing, or bearing his signature.

Very respectfully, your obedient servant,

B. F. HALLETT,
United States Attorney.

Hon. W. L. MARCY,
Secretary of State.

Mr. Marcy to Mr. Hallett.

DEPARTMENT OF STATE,
Washington, January 7, 1857.

SIR: In reply to your letter of the 5th instant, received this morning, I enclose herewith the original despatch, dated July 18, 1856, with the accompanying papers, a list of which is annexed, received at this department from John S. Gillmer, United States consul at Bahia, respecting the trial at that place of the supercargo of the schooner "Mary E. Smith," Cranotick master, which vessel was fitted out for the slave trade in Boston, sailed for Africa, took in a cargo of slaves, and was captured by the Brazilian government.

By article 2 of the law of Brazil of June 5, 1854, the Brazilian citizen, wherever he may reside, is to be punished with the penalties of an attempt to import slaves. They are importers who are master, mate or supercargo of a slaver, who gave or received the freight or vessel destined for the traffic, who are interested in the business, and who furnish funds for it, or give assistance or favor to it.

On the trial of Vianna and others of the said schooner "Mary E. Smith," with 384 slaves on board, it was proved by the testimony of Cranotick, the captain, and others, and by the letters of Manuel Basilia da Cunha Reis to Joaó José Vianna, the supercargo, (found guilty and condemned,) to Carvallo & Rocha, of Rio, and Augusto F. de Almeida, that the said Da Cunha Reis procured and superintended the fitting out of the "Mary E. Smith" as a slaver, engaged her captain, Cranotick, and owned one-third part in her, and at least one-third part of the slave cargo—Vianna, the supercargo, and Correia being the other owners. Vianna was taken on the vessel and punished; Da Cunha Reis and Correia were denounced as criminals, (reos pronunciados,) but being absent then escaped punishment, but are subject to it as above mentioned; if by extradition or otherwise, they come within the jurisdiction of the court having cognizance of the matter.

Da Cunha Reis, some time ago, barely escaped the consequences of a charge of being implicated in the fitting out of the "Altira," slaver, and was under bonds as a witness in another case, when he was discovered in the attempt to escape on board the "Panchita" to the coast of Africa, which vessel was lately seized on suspicion in New York harbor.

Consul Gillmer suggests that upon the authenticated copies of documents received in evidence on the trial of Vianna in the Brazilian court, forwarded with his despatch of the 18th of July, (herein enclosed) the United States district attorney may recover from the sureties the amount of the forfeited bonds touching the register of the schooner "Mary E. Smith," and that Andrew Wilson, the mate of the said schooner, who left her on the coast of Africa, can doubtless, if found, give most important testimony as relates to the vessel, and also to Da Cunha Reis.

I also enclose you a copy of a letter addressed to the United States district attorney at New York on the 3d of October last,* transmit-

* See this letter in its chronological order.

ting an abstract of the documents received from Mr. Gillmer relating to this case.

I will thank you, as soon as you have read the enclosed papers, and taken such extracts from them as you need, to return them to this department;* and if you will, at the same time, send a particular description of the original papers used in the trial at Bahia, which it might be necessary for you to have, immediate steps will be taken to procure them from the Brazilian government.

I am, sir, your obedient servant,

W. L. MARCY.

List of papers enclosed.

Mr. Gillmer to Mr. Marcy, No. 35, dated 18th July, 1856, with five accompaniments, viz:

No. 1. Authenticated documents respecting the slaver "Mary E. Smith." Bahia, July 10, 1856.

No. 2. Translation of interrogatory of Vincent D. Cranotick, master of said slaver, and sentence of the auditor of marine. Bahia, July 18, 1856.

No. 3. Authenticated copies of sundry letters respecting the said slaver. Bahia, July 15, 1856.

No. 4. Translation of copies of sundry letters on same subject. Bahia, July 18, 1856.

No. 5. Authenticated copy of letter of Ladislan Pereira Pinto, scrivener of the auditory of marine, same subject. Bahia, July 18, 1856.

And one newspaper, "Corrieo Mercantil," of June 10, 1856.

Mr. Willis to Mr. Marcy.

(Extract.]

U. S. COMMERCIAL AGENCY,
Loando, January 9, 1857.

SIR: * * * * * * * * *

The slave trade on this coast is now flourishing. It is said that five vessels have lately left with slaves. The Congo river and its neighborhood have been the headquarters, and American gold is now quite plenty there, having been brought in these vessels which clear from New York—some for Cape de Verde and some for Loando, but which seldom come here.

Among the suspected vessels are the "Spirit of 1776," "Globe," "Reindeer," and "N. Haun." Some correspondence and papers were found at Benguela some time since, such as account sales, &c.,

* Not returned.

&c., of shipments of slaves, which caused a number of persons living there to abscond. It is now said that two of them took passage in the schooner "Flying Eagle," bound to New York.

* * * * * * * *

Very respectfully, your obedient servant.

JOHN G. WILLIS.

Hon. WILLIAM L. MARCY,
Secretary of State, U. S. A.

Mr. Cushing to Mr. Marcy.

ATTORNEY GENERAL'S OFFICE,
February 12, 1857.

SIR: Your communication of the 30th of December, enclosing a letter from Mr. Blythe, consul of the United States in Havana, submits a question as to the amount of evidence on which a consul in a foreign port is authorized to arrest a person, and send him to the United States for trial; which question, it is plain, extends to the broader inquiry of the power and the duty of a consul in regard to crimes committed within his jurisdiction by citizens of the United States.

We may omit from the inquiry the case of consuls in China and Turkey, who, by statute, exercise judicial authority respecting the acts of Americans in those countries.—(Act of August 11, 1848.)

Consuls in the Barbary States are invested by treaty with judicial authority. But that authority has not been expressly affirmed by statute. And although Egypt certainly, and perhaps Tunis and Tripoli, may be regarded as dependencies of Turkey, and so comprehended by the statute, yet so much cannot be said of Morocco, Muscat, Japan, nor of sundry other countries out of the pale of international law of Christendom.

Leaving these countries to be spoken of in the sequel, my first object will be to consider the criminal jurisdiction of consuls in the countries of Christendom—that is, their general criminal authority.

Mr. Blythe refers, not without reason, to the absence of any satisfactory information on this point. There is nothing explicit regarding it in any act of Congress. Indeed, the only provision of possible reference to it is a phrase in one of the acts making it the duty of consuls to "*discountenance* insubordination by every means within their power"—meaning, of course, insubordination among seamen on board merchant ships of the United States.

We are thus remitted to the general rules of our own public law and of that of nations, including treaties, for the desired information.

Consuls are not by our law judges; or, to use the language of Mr. Justice Ware, "no portion of the judicial power of the United States is conferred on consuls."—(The William Harris, Ware's Rep., pp. 367, 379.) In so far as they determine the civil controversies of their countrymen, they do it only as arbiters; and in criminal matters their

authority is one of police only, not of judicial decision.—(Kent's Com., vol 1, p. 42.)

This police authority, indeed, goes no further than detention of an accused person, or at most the examination of the case to see whether there be cause of detention. And even then it applies only to matters occurring on shipboard, for the local jurisdiction is complete as to things occurring on shore. In such matters the consul may intervene voluntarily, and sometimes he should do so officially, in the interest of his countrymen. But he cannot exercise jurisdiction. The question of his jurisdiction regarding criminal acts occurring on shipboard is all, therefore, which it is profitable here to consider.

As to such acts, it is obvious, in the first place, that the power of the consul cannot be greater than the power of his country. Hence, the preliminary question is of the penal scope of the laws of the United States.

That is defined by statute. It comprehends piracy wherever committed. The pirate is *hostis humani generis*, and triable in any country.

Beyond this, it comprehends acts done "upon the high seas, or in any river, haven, basin, or bay, out of the jurisdiction of any particular State."—(Act of April 30, 1790, sec. 8.) All such acts committed by Americans are of the jurisdiction of the courts of the United States, and may come before a consul in some form requiring action or direction on his part. Thus, if a crime be committed on the high seas, the master may detain the party for trial; on touching at a port the party may apply to the consul for discharge; and it may be the duty of the consul either to grant or refuse the discharge; and in the latter case he may have occasion to call on the local authorities to aid in detaining the party, or in providing to send him home for trial. And the same series of incidents may occur in regard to acts happening on shipboard while the ship is actually in a foreign port, but not falling within the local jurisdiction.—(See opinion of September 6, 1856.)

The power of the consul is to refuse to discharge, or at most to detain, or call on the master or the local authorities or a man-of-war of his country to detain, a person so charged with crime.

The new "consular regulations" say that "if a citizen of the United States be charged with a criminal offence alleged to have been committed at sea, on board of an American vessel, (or on such vessel in port under such circumstances as give jurisdiction to the courts of the United States,) it will be the duty of the consular officer to require that the individual so accused be delivered to him to be sent home for trial."—(Nos. 384, 385.) All that is but *detention*, by or at the instance of the consul, for the purpose of trial in the United States.

But, in order to determine whether he shall detain or require detention, the consul must inquire into, and in some sense judge and decide, the question of culpability. That is true.

In what manner and by what rule shall he inquire and judge? I think he must of necessity inquire in the usual way—that is, by hearing testimony, not as a judicial officer to be sure, but as consul. As to judgment—that is, deciding whether to detain or not to detain—he must have large discretion. I agree with Mr. Blythe in thinking that he need not detain upon such mere suspicion of guilt as would

justify an examining magistrate in holding to bail within the United States. There is no judge at hand to supervise the propriety of such detention by writ of habeas corpus, or to admit to bail on motion. The consul, in order to induce him to detain, may well require stronger probable cause of belief in guilt than an examining magistrate. He may do this in the interest of the party. And he may do it in the interest of the government, which must defray the expenses of the detention and custody of the party and of his conveyance to the United States.

If a crime be committed on board of an American vessel on the high seas, the ascertainment of it, and the security of the person of the assumed criminal, belong, in the first instance, to the master. He is the legal superior of all on board, and has a quasi-magisterial authority to maintain order, repress crimes, and provide for their ultimate punishment by law.

The received text-books, and the occasional adjudications touching this point, do but imperfectly exhibit the true extent and nature of the master's authority in this respect, in consequence of the subject having been too generally considered from the single point of view of the degree of power of the master in the repression or summary punishment of insubordination on the part of seamen. In seeking to measure the degree and quality of his coercive power in this respect, they have adopted the dictum of Casaregis, to the effect that he has no jurisdiction over the crew, but only a sort of economic authority or discipline, like that of a parent over his children, schoolmaster over his scholars, and lord over his slaves or servants.—(Disc., 136, No. 14.) But every one sees that we have here analogy only, and that analogy confined to the single fact of the chastisement of a seaman—and analogy, even there, which in some respects goes too far, and in others not far enough.—(Perkins's Abbott on Shipping, p. 234, note.) Accordingly, when the case in hand has appeared to be one of excess of authority, courts are prone to deny that his power is coextensive with the paternal power.—(Bangs *vs.* Little, Ware's Rep., p 506.) Then, again, if the case be one of justifiable severity by the master, the court has to look beyond the range of a father's or schoolmaster's power for his justification.—(United States *vs.* Hunt, ii Story's R., p. 120.) So that one learned judge, while properly denying to the master any judicial authority, and saying that he is no *præfectus morum*, quotes, in the next breath, for approbation, the saying that he has the power of discipline *pro corrigenda male morata vita.* And another learned judge, with similar doubts as to the supposition of the master's authority being military in any sort, yet concedes that it is "of a peculiar character, and drawn from the usages and customs and necessities of the maritime naval service." In all these speculations, the courts appear to have disregarded that most necessary of all necessities, the police authority of the master, as illustrated in the condition of things on board of a ship engaged in the transportation of passengers, and especially emigrants in large bodies. In such ships, it becomes plain that the master is neither a parent nor a pedagogue, but the only possible present representative of the public authority of his country.

Our law books *commonly quote from* the *notabilia* of Roccus a

dictum on this point, which Roccus himself quotes from D. Juan de Hevia Bolanos, to wit, the statement that "the master of the ship has power to confine offenders in the vessel, even though they are not mariners, for the purpose of delivering them up to the competent authority of the territory or district nearest to the place where the offence was committed. Or he may confine them in the port where the ship is to be unladen, in order to have them punished."—(Ingersoll's Roccus, p. 21.) And this all admit to be good law.

The dictum itself is founded by Bolanos on the text of the Partidas.—(Part 5, tit. 8 and 9.) The proposition in Bolanos is stronger than it appears in Roccus; for the former says that the master may arrest any delinquent *aunque sea clerigo*—that is, not amenable to the secular jurisdiction.—(Curia Filipica, lib. iii, c. 4.) And Dominguez, in commenting on this passage, refers to numerous authors who have discussed and settled the power of the master in this respect.—(Illustracion a la Curia Filipica, tom. ii, p. 110.)

And it may happen that the power of the master will, by force of the same circumstances, devolve on the mate; as if the master become insane, or shall himself commit a crime of aggravated character.—(Ibid.)

Now, the authority of the consul in the premises necessarily follows from that of the master. For if the offence be committed in port, or so soon as the ship arrives in port, it becomes the duty of the consul, by express provision of statute, to receive and hear the complaints of the ship's company.—(Act of July 20, 1840, sec. 16.) And, on the other hand, it is the right of the master, in such circumstances, to demand the assistance of the consul, who is to advise, aid, and, if need be, direct the master as to the further detention of the party as a criminal, and his immediate transmission to his country. These things the consul does officially, in the exercise of his authority, (not judicial,) and as the local ministerial agent of the United States.

If the offence be committed in port, and the local authorities do not take jurisdiction, then also the consul is to advise and aid the master in the disposition of the party, in order to his transmission to the United States for trial.

In neither case does the consul possess any criminal jurisdiction. His obligations and his powers go no further than to inquire, in order to decide, what his duty is in the given case; to take evidence of the facts; to collect and see to the preservation of documents and material proofs; to draw up a statement of the facts, to be reported to his government; and, if in his judgment the facts require it, to see to the further detention of the party, and his transportation in custody to the United States.—(Consular regulations, Nos. 308–315.)

These particulars of the duty of consuls are not expressly defined by statute. But they belong to the very function of consuls by the law of nations, and by the practice of Christendom.—(De Clercq et De Vallat, Guide Pratique, pp. 356, 366.) And in thus detaining criminals, the consul does not usurp any judicial authority. He has no judicial authority. His acts are ministerial only, such as any ministerial officer may lawfully perform, and which he performs of course, as the only ministerial officer of competent authority at hand invested with general powers as such.

Nay, in the absence of a magistrate, any private person may arrest a criminal for the purpose of taking him before a magistrate.—(ii Hawk. P. C., ch. 12.) And to this question it is quite immaterial how far off the magistrate may be. The maritime jurisdiction of the courts of the United States is independent of space. It is just as perfect in the remotest seas of Europe or Asia as it is in sight of the harbor of Boston or New York.

The foregoing remarks apply more especially to the case of consuls in the governments of Christendom having treaty relations with the United States. Those of China and Turkey stand on their peculiar footing. As to those in other countries, it were to be wished that some legislative provision existed, defining their powers. While in those other countries our consuls have no power to judge, on the other hand we cannot recognize the local jurisdiction as we do in Europe and America, or in Asiatic or African countries dependent on Europe. To the ports, at least, of those other countries it would seem that the criminal jurisdiction of the federal courts extends. Crimes committed on board our ships in such ports are not committed within the jurisdiction of any State recognized by us as such. And parties committing crimes there, on shipboard, may, in my opinion, be detained by the consular agent for remission to the United States.

I am, very respectfully,

C. CUSHING.

Hon. W. L. MARCY,
Secretary of State.

Mr. Pike to Mr. Cass.

No. 9.] CONSULATE OF THE UNITED STATES OF AMERICA,
Office of Oporto, March 12, 1857.

SIR: A circumstance has recently transpired here which I consider my duty to communicate to your department, as it might be of some importance in detecting persons who are now fitting out vessels in ports of the United States for the purpose of engaging in the slave trade.

I have suspicions that many persons engaged in this illegal trade are connected with merchants doing business in this city.

On the 31st of May, 1856, a small topsail schooner, of clipper build, named the "Locomotora," entered the river Duro, with the Portuguese flag flying at her masthead. She reported herself at the custom-house of Oporto as having left New York in the beginning of May with part of a cargo of logwood, (about 40 tons,) which was shipped by D. Gouvea Leal, and consigned to Bernardo José Machado, of this city. In the papers attached to her *manifest* Antonio Roiz Vieira was stated to be the owner, the master's name was Joaõ da Cunha Ferreira, and a crew of six men, all suspicious characters. Soon after her arrival it was reported that she was an American vessel, and that it was the intention of the consignee to place her in the slave trade.

I immediately made a careful inquiry, and found that she had been purchased in New York, and that on her arrival the captain had presented the necessary documents, furnished by the Portuguese consul in New York city, and that a new register had been granted by the Portuguese government. Still, from information received by the authorities of the place, they saw fit to detain the vessel in this port till the 30th of December last, when she was released, and cleared for London, *via* Setubal, in ballast, under the command of a Portuguese called Souza. It is said that after she passed the bar of Oporto she steered in the direction of Setubal, the place of her destination, but that she afterwards returned, and passed the Oporto bar, and lay to opposite a small town on the seaboard, called Leca, where an individual, supposed to be a Frenchman, was put on board of her, and, after showing the crew (seven in number) instructions, which he said he had received from the consignee of the schooner, declared that thenceforward he was captain, and that they were to obey him; it was then determined that they should sail for "Povoa de Varzim" to take in provisions, and then make for the coast of Africa to carry on the slave trade. The captain intimated to the crew his intentions of resisting this Frenchman, but after a fruitless resistance they were obliged to yield, as he appeared armed, and threatened with instant death whoever refused to obey him. A storm, however, arose, and the schooner could not go to "Povoa de Varzim," and in the meantime part of the crew arose against the stranger, killed him, and threw him overboard, and then steered the vessel for Setubal. In a short time the schooner arrived at Setubal, and was examined by the authorities, but nothing was found in her to justify the suspicions about her. The captain, however, showed signs of disquietude, and gave contradictory answers about the schooner and his voyage. After a few days some of the sailors deserted or were sent away by the captain; it appears that these men were the murderers of the Frenchman, and in place of them other sailors from Setubal were taken on board. The ballast she had on board was taken out, and she was searched a second time, but still nothing was found to justify the suspicions about her. She then took in a cargo of salt and rice for Oporto. Her captain and part of the crew have been ordered into custody, and have been examined. It is said they were ordered into custody by reason of the revelations which the deserted sailors made when they left the schooner. She still remains guarded by Portuguese troops, and it appears that the captain has made some important revelations I have written to the United States vice-consul at Setubal to furnish me with the particulars on the subject, as it is reported that the captain has given the names of many parties, naturalized Portuguese citizens and others residing in the United States, who are said to be concerned in this vessel. I have been informed that she is really owned by ——— Barboza, merchant, doing business in New York city, and that this gentleman is in partnership with persons in this city of Oporto. Soon after her detention in this port by the authorities, two seamen who were discharged from her applied to me for assistance, and one of them presented an American protection which did not agree with the description of his person. Upon questioning these men closely, they confessed to me that they

had resided a long time in the State of Louisiana, and that one was a Frenchman, and the other a Swede by birth, and that the protection which had been presented had been purchased of a discharged sailor in Baltimore. I immediately refused them assistance, and retained the protection, and sent the men away. I herewith send you copies of this document, No. 1, also a protection from the French consul of this place, No. 2, which the man, in his hurry to get away, left with me. So soon as I receive further information relative to the "Locomotora," I shall communicate it to your department.

I have the honor to be, sir, your obedient servant,

NICHOLAS PIKE,
Consul United States of America.

Hon. SECRETARY OF STATE,
Washington, D. C.

No. 1.

No. 84.] *Protection.*

I, A. Jeffrey, deputy collector of the district and port of Norfolk and Portsmouth, in the State of Virginia, do hereby certify that Andrew Wilson, an American seaman, aged 23 years, of the height of five feet six inches, of a dark complexion, black hair, hazel eyes, born in the city of New Orleans, State of Louisiana, has this day produced to me proof, in the manner directed in the act entitled "An act for the relief and protection of American seamen;" and pursuant to said act I do hereby certify that the said Andrew Wilson is a citizen of the United States of America.

In witness whereof, I have hereunto set my hand and seal of office this 3d day of March, one thousand eight hundred and fifty-six.

[L. S.]

A. JEFFREY,
Deputy Collector.

No. 2.

CONSULAT DE FRANCE, À PORTO,
Porto, le 27 Octobre, 1856.

Bon pour embarquer le nommé André Vissali, marin Français né en corse.

[SEAL.]

CAVEL,
Le Consul de France.

Mr. Cass to Mr. McKeon.

DEPARTMENT OF STATE,
Washington, March 27, 1857.

SIR: I transmit a copy of a memorandum and of certain official papers yesterday left with me by Lord Napier, her Britannic Majesty's minister to this government, from which it appears that strong suspicions, at least, may be entertained that the brigantine, "N. Hand," which sailed from New York, in June last, with a cargo of provisions, ostensibly for the relief of the sufferers from famine at the Cape de Verde islands, subsequently repaired to the coast of Africa and took on board a cargo of slaves. If you should be of the opinion that these documents afford sufficient ground for proceedings against the owner of that vessel or other parties upon a charge of violating the laws against the African slave trade, you will take that course.

I am, sir, your obedient servant,

LEWIS CASS.

JOHN MCKEON, Esq.,
Attorney of the United States
for the southern district of New York.

Memorandum left by Lord Napier, March 26, 1857.

By registry at the custom-house at New York, the N. Hand, at the date of her voyage, June 9, 1856, was owned by George W. Rosevelt, shipwright, of that city. A portion of her cargo destined for the relief of the suffering population of the Cape de Verde islands was shipped on behalf of the Corn Exchange Co., of New York, by Mr. Peter Rice. Another portion was shipped by Joan C. Abrea, Figanere, and Figanere, Reise & Co.

The vessel has not returned to New York. A strong appeal on behalf of the Cape de Verde people was made by the Portuguese consul, and the alleged participation of that functionary in the slave trade prompts the suspicion that he was concealing a nefarious design under the cloak of a charitable office.

Mr. Hallett to Mr. Cass

OFFICE OF THE UNITED STATES ATTORNEY,
Massachusetts District, March 31, 1857.

SIR: At the present term of the district court of the United States for this district an indictment has been found against M. B. da Cunha Reis, for having fitted out, at the port of Boston, August 25, 1855, the American schooner "Mary E. Smith," for the purpose of employing her in the slave trade. This vessel sailed direct from Boston (having

evaded the officers sent to arrest her) to the coast of Africa, where she received her cargo of slaves and proceeded to Brazil. She was there captured, and by the process of the judicial authorities at Bahia the supercargo, Joaó José Vianna, who sailed in her from Boston, with her crew and others implicated, were tried and most justly condemned and sentenced by the tribunals under the very stringent laws of the Brazilian empire against the slave trade.

Her master, Vincent D. Cranotick, having been first interrogated and implicated the offenders, died in prison at Bahia. These judicial proceedings were transmitted to the Department of State at Washington, by copies verified at Bahia, July 18, 1856, by W. S. Gillmer, United States consul there, from which it appears that among other original papers found on board of the "Mary E. Smith," or in the possession of the master or supercargo, were four letters, indicated as follows in the consular copies:

One marked F, dated Loando, April 21, 1855, signed Guilherme José da Silvia Corneia, addressed to Mr. Joaó José Vianna.

One marked A, dated New York, September 18, 1855, signed M. B. da Cunha Reis, addressed to Messrs. Carvalho & Rosha.

One marked B, dated New York, October 2, 1855, from the same to the same.

One marked C, dated New York, October 2, 1855, signed M. B. da Cunha Reis, addressed to Mr. José Augusto Ferreira de Almeida.

One marked D, dated New York, October 2, 1855, signed M. B. da Cunha Reis, addressed to Messrs. Carvalho & Rosha, Rio de Janeiro.

I have to request that you will cause to be addressed to the tribunal at Bahia, or the proper officers of the Brazilian empire, through the American consul at Bahia, or by such agency as may be most appropriate, a request that, in order to enable the courts of the United States to bring to justice the principal offender, M. B. da Cunha Reis, the originals of the above-described letters be taken from the archives or files of the court at Bahia, and be transmitted to you to be used in the trial of Da Cunha Reis, under the indictment here found against him.

To designate these letters more specifically, I herewith enclose a copy of each, and request that copies of said letters may be transmitted to Bahia in your despatch.

The friendly disposition of the Brazilian government to co-operate with the United States in the punishment of these offenders is eminently shown in the promptness and vigor with which the prosecutions relating to the "Mary E. Smith," and all concerned in her illegal voyage, were conducted. And to that end, you will please communicate, with the request for the transmission of the original papers, the fact that, in a criminal process in the United States courts, *no capias*, however verified, nor depositions, can be used against the party as evidence to go to the jury. The actual signature of M. B. da Cunha Reis must be produced in court to insure conviction, and no *substitute* can be offered in evidence. His handwriting and the employment of the vessel can be proved here, if the original letters are transmitted, and after being used for that purpose they can be restored to the authorities at Bahia, if desired.

It is very desirable that these originals should be received here as speedily as is possible, it being necessary to detain witnesses here, who are in the custody of the court, to testify to the employment of the "Mary E. Smith," in taking her cargo of slaves from the coast of Africa.

With high respect, your obedient servant,

B. F. HALLETT,
United States Attorney.

Hon. LEWIS CASS,
Secretary of State.

Mr. Cass to Mr. Trousdale.

No. 35.] DEPARTMENT OF STATE,
Washington, April 8, 1857.

SIR: I transmit herewith a copy of a letter from the United States district attorney for the district of Massachusetts, B F. Hallett, esq., of the 31st ultimo, requesting the aid of the department in procuring from the judicial tribunal at Bahia the *originals* of certain papers which are carefully described by Mr. Hallett, and which are necessary for the proper prosecution of Da Cunha Reis, now under indictment and awaiting trial for having fitted out at the port of Boston, in August, 1855, the American schooner "Mary E. Smith," for the purpose of employing her in the slave trade

In order that no possible mistake may be made as to the identical papers referred to, Mr. Hallett has taken the precaution to send hither copies of those papers, transcripts of which are herewith furnished. You will perceive, also, how strenuously Mr. Hallett insists upon the absolute necessity of having the *original* document in order to insure a conviction, stating that no authentication, however formal, will supply the place of the originals.

You will please to lay this request at once before the Brazilian government, and solicit, in the name of the government of the United States, the prompt and favorable aid of the proper authorities in carrying out the desired arrangement; for, having manifested such laudable energy as she has done in prosecuting before her own courts some of the parties involved in this very case, it is not doubted that Brazil will promote, by all lawful means, the conviction of others who have violated her own laws and those of the United States for the suppression of the infamous traffic in slaves.

You may propose to the government to give a receipt, over your official seal and signature, for the papers, and you may pledge the faith of the government for their safe return to the Brazilian government unless they should be lost by the casualties of the sea in their transit from shore to shore. It is suggested, in anticipation of any

proposed objection to relinquishing the original documents, that as they have subserved their legitimate purpose in Brazil, authenticated copies placed on the files there would preserve the integrity of the judicial records, without obstructing the due course of justice in this quarter by declining to comply with the foregoing request.

I am, sir, your obedient servant,

LEWIS CASS.

WILLIAM TROUSDALE, Esq.,
&c., &c., &c.

Mr. Cass to Mr. Gillmer.

DEPARTMENT OF STATE,
Washington, April 8, 1857.

SIR: Herewith I transmit a copy of a despatch of this date, addressed to our minister at Rio de Janeiro, and covering a copy of a communication of the 31st ultimo from B. F. Hallett, esq., district attorney of the United States for the district of Massachusetts, in relation to the procuring from the proper authorities of certain *original* documents which are indispensable to the prosecution of Da Cunha Reis, on the charge of having fitted out the American schooner "Mary E. Smith" for the slave trade. A copy of Mr. Hallett's letter is also enclosed herewith.

As it is possible that, upon receiving the application of Mr. Trousdale for the delivery of the documents adverted to, the imperial government may decline to interfere with the local tribunals of the province, and may, indeed, refer the request to those tribunals for their spontaneous action in the premises, the subject is thus directly brought to your cognizance in order that no time may be unnecessarily lost by a contingency which may be provided for.

You will be pleased, therefore, to communicate with the local tribunal having jurisdiction in the premises, for the purpose of learning whether it possesses competent authority to surrender the documents without awaiting the permission or direction of the imperial government. If such authority be claimed, you will pursue the same line of conduct with the local tribunal which has been laid down for Mr. Trousdale's guidance in submitting the proposition to the imperial government. If, on the contrary, the principal tribunal be unable to proceed without permission from the capital, you might suggest that time would be saved by having the authenticated copies of the papers taken, in anticipation of a favorable decision of the imperial government; so that, when that decision arrives at Bahia, the copies may be immediately substituted for the *originals*, and the latter be forwarded at once to the United States, you giving the receipt and pledge (if they will be accepted) which Mr. Trousdale has been authorized to give; otherwise forwarding the object in view by your personal influence and attention in all proper modes.

In this connexion, I take pleasure in expressing to you the satisfaction experienced by the department in remarking the zeal and intelligence which have characterized your official conduct and correspondence during the prosecution of the affair of the "Mary E. Smith" before the Brazilian authorities, and with this department.

I am, sir, your obedient servant,

LEWIS CASS.

Mr. Cass to Mr. Trousdale.

No. 36.] DEPARTMENT OF STATE,
Washington, April 9, 1857.

SIR: Referring to my despatch of yesterday, I have to acquaint you that a copy of that communication has been sent to John S. Gillmer, esq., United States consul at Bahia.

It has been thought not improbable that, in reply to the request which you are instructed in yesterday's despatch to make, the Brazilian government may decline to interfere in an affair which may be regarded as appertaining exclusively to the jurisdiction of the local tribunal, and that consequently you may be referred to that tribunal for its determination in the premises.

Anticipating such a contingency, Mr. Gillmer has been directed to apply to the court at Bahia for the purpose of learning whether it has authority to deliver up the papers in question, without the permission or order of the imperial government. If that right may be exercised, Mr. Gillmer is instructed to receive and receipt for the papers, in the manner indicated to you; and by this course much time may be saved. Should this plan not receive the favorable consideration of the local tribunal, Mr. Gillmer will, under his instructions, do all in his power to promote the attainment of the same object, under your application to the imperial government.

I am, sir, your obedient servant,

LEWIS CASS.

WILLIAM TROUSDALE, Esq., *&c., &c., &c.*

Mr. Appleton to Mr. Woodbury.

DEPARTMENT OF STATE,
Washington, April 15, 1857.

SIR: A copy of the letter addressed to this department on the 31st ultimo by your predecessor, B. F. Haltett, esq., has been sent to the United States minister at Rio de Janeiro, and to the United States consul at Bahia, with urgent instructions relative to procuring from the proper authorities, and sending to this department, certain original papers which Mr. Hallett particularly designated as indispensable to the prosecution of M. B. da Cunha Reis, now under indictment for

having fitted out at the port of Boston, in August, 1855, the American schooner "Mary E. Smith" for the purpose of employing her in the slave trade. You will be informed of the issue of the instructions given to these officers as soon as the department hears from them.

A copy having been sent to the United States minister at Rio de Janeiro, I return, herein, the translation of the papers above referred to, received with Mr. Hallett's letter, in order that it may be placed with the documents which accompanied the letter addressed to him on the 7th of January last.*

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

Mr. Blythe to Mr. Cass.

No. 24.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, April 24, 1857.

SIR: I take the liberty to call your especial and immediate attention to the act of March 2, 1803, authorizing sales of American vessels to American citizens in foreign ports, and granting to such vessels, after transfer of ownership, the benefits of vessels of the United States under certain provisions. It is apparent to me that by a defect or omission in this law the flag of the United States may be invoked to give protection to an unlawful traffic.

You are aware that by statutory provisions all American vessels, in order to be entitled to the use of our flag, must be registered; one of the prerequisites of registration is a bond from the owners that she will not violate the laws of the United States.

Where a vessel has conformed to the laws, obtained her register, sails to a foreign port, and is there sold to an *American owner*, the law to which I refer still gives her the protection of government.

The sale being legal, does not the obligation of the original owners for her lawful conduct cease upon the transfer of property?

The register is not taken from such a vessel, but with the bill of sale and sea letter (the latter furnished by the consul) she again goes to sea under her new owners.

The sea letter is given to her to enable her to reach a port in the United States, where she is required to give up her register and sea letter, and in other respects to conform to the laws.

But from the time she thus leaves the foreign port, or rather from the time of the transfer of ownership, she is without bonds, and can go where she pleases, subject only to the risks of detection and capture. The consul at the port where such a sale is effected, should certainly have the power to exact a bond requiring such vessel to report herself at a port in the United States without delay; otherwise,

* See the letter in its chronological order.

during the time of her exemption from the penalties of a bond, she may abuse the flag of the United States.

My attention has been drawn to this matter by recent sales of that character here. I know of no positive abuse of the privilege allowed by the before-mentioned act of Congress, but there are many rumors extant of slave trading; and, without any information that would justify me to act, I fear that the act referred to has been or will be used as an auxiliary to vessels in reaching the coast of Africa.

I have given a construction of the law of 1803, which appears to me correct. I, however, very much desire information on that subject. I believe there is no other act of Congress on the subject of the sale of American vessels in foreign ports; but the very heavy pressure of office business at this season of the year is such as to preclude me from a thorough examination of the matter. If there is anything else upon it, I would be pleased to be referred to it.

The course I have pursued in permitting the register to remain with the vessel, after sale, is clearly indicated in forms Nos. 92 and 101, appended to the regulations prescribed by the President for consular officers.

An early reply to this communication will much oblige me.

I have the honor to be, sir, with the highest respect, your obedient servant,

A. K. BLYTHE,
Consul General.

Hon. LEWIS CASS,
Secretary of State, of the United States, Washington.

"FORM No. 92.

"*Consul's certificate given to master when ship's register is retained entire in the consulate.*

"CONSULATE OF THE UNITED STATES OF AMERICA AT ———,
"———, 18—.

"I, the undersigned, consul, &c., &c., do hereby certify that the ———, of ———, was sold at this port on the ——— day of ———, unto ——— ———, a citizen of the United States, and that ——— ———, late master, has this day duly received the crew list and shipping articles of the said ship.

"I further certify that the register of the said ship, deposited by the said master, has been retained in this consulate.

"Given, &c.

"——— ———,
"*U. S. Consul.*"

"FORM No. 100.

"*Application of a citizen of the United States for a sea letter.*

"———, 18—.

"——— ———, Esq.,
"*U. S. Consul at* ———.

"SIR: The undersigned, a citizen of the United States of America, residing in ———, State of ———, temporarily sojourning in ———, having this day purchased the American ship ———, of ———, of the burden of ——— tons, respectfully solicits the requisite sea letter and papers identifying the undersigned as the owner, and that will enable the said ship

to remain under and wear the flag of the United States of America. Said sea letter and papers will be required until such time as the said ship may arrive within the jurisdiction of a collector of the customs of the said United States, authorized to receive the same, and to issue in lieu thereof a new register or such papers granted by the laws of the United States to the owners of American vessels purchased in foreign countries by citizens of the United States of America.

"Respectfully, your obedient servant,

"——— ———."

"FORM No. 101.

"*Sea letter.*

"*To all to whom these papers shall come or may concern, greeting:*

"Know ye, that whereas the ———, of ———, of the burden of ——— tons, described in the bill of sale and register hereto annexed, was duly sold at this port on the ——— day of ———, at public auction, for account of whom it may concern, unto ——— ———, a citizen of the United States, he being the highest bidder therefor. And whereas the said ——— ———, desiring that the said ——— shall remain under and continue to wear the American flag until her return to a port in the United States, where may be obtained a new register or such other papers as are usually granted to American vessels purchased by citizens thereof in foreign countries:

"Now, therefore, in consideration of the foregoing premises, this sailing letter is granted, with permission to the said ———, whereof ——— ——— is master, and proceed hence to ——— ———, and there procure such register or papers, in accordance with the laws regulating the registering of vessels purchased by citizens of the United States, as aforesaid.

"This sailing letter to be used for the purposes above described only, and to be delivered to the collector of customs where the said vessel shall first arrive in the said United States.

"Given under my hand and the seal of the consulate of the United States at ———, this [L. S.] ——— day of ———, A. D. 18—.

"——— ———, *Consul.*"

Mr. Appleton to Mr. McKeon.

DEPARTMENT OF STATE,
Washington May 1, 1857.

SIR: I transmit herewith for your information a copy of a despatch,* together with a copy of the enclosures by which it was accompanied, dated March 12, which has been received from the United States consul at Oporto, in relation to the employment in the slave trade of vessels fitted out at ports in the United States.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

JOHN MCKEON, Esq.,
U. S. District Attorney, New York.

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* See despatch No. 9, dated March 12, 1857, of Mr Pike to Mr. Cass, page 55

Mr. Appleton to Mr. McKeon.

DEPARTMENT OF STATE,
Washington May 4, 1857.

SIR: I beg leave to apprise you of the arrival at Salem, Massachusetts, of Mr. John G. Willis, the United States commercial agent at St. Paul de Loando, an extract from one of whose despatches was sent to you by this department on the 27th ultimo. Should you desire any information touching the slave trade on that coast, he will, if requested, visit New York for the purpose of conferring with you on the subject.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

JOHN MCKEON, Esq.,
U. S. District Attorney, New York.

Mr. Cass to consular officers.

CIRCULAR No. 3.

DEPARTMENT OF STATE,
Washington, May 29, 1857.

I transmit herewith for your information and guidance a printed copy of an opinion of the Attorney General of the United States, dated February 12, 1857,* touching the power and duty of a consul in regard to crimes committed within his jurisdiction by citizens of the United States.

I am, sir, your obedient servant,

LEWIS CASS.

The CONSULAR OFFICERS OF THE UNITED STATES.

Mr. Cass to Mr. Cobb.

DEPARTMENT OF STATE,
Washington, May 30, 1857.

SIR: I have the honor to transmit for your perusal a despatch (No. 24) of the consul general at Havana, in which some judicious suggestions are presented concerning the need of further provisions of law or treasury regulations to prevent the abuse of the American flag, and the participation by American built vessels in an unlawful traffic subsequent to their sale in one foreign port, and their delivery to the purchasers in another and distant port.

I am, sir, your obedient servant,

LEWIS CASS.

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*See this opinion at page 51; Mr. Cushing to Mr. Marcy, February 12, 1857.

Mr. Appleton to Mr. McKeon.

DEPARTMENT OF STATE,
Washington, June 9, 1857.

SIR: Information from a credible source has reached this department that about twelve vessels are fitted out every year at New York for the African slave trade. It is further represented that each vessel registers from one hundred and fifty to two hundred and fifty tons; costs, when ready for sea, about eight thousand dollars; ships, on an average, six hundred slaves on the coast of Africa, and that at least one-sixth of these die on the voyage.

This department is well aware of the ability and zeal which have characterized your efforts towards preventing and punishing infractions of the laws upon this subject. If, however, the information adverted to should be correct, some further measures would seem to be necessary to deter offenders. I will consequently thank you for any suggestions which may occur to you upon the subject.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

JOHN MCKEON, Esq.,
Attorney of the United States
for the Southern District of New York.

Mr. Blythe to Mr. Cass.

No. 44.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 14, 1857.

SIR: I have the honor to transmit herewith a copy of a circular (and translation thereof) of the governor general of this island upon the subject of the slave trade.

From the character of the orders contained therein, it would *seem* that the captain general is determined to adopt very rigid measures to suppress that illegal traffic.

With great respect, sir, your obedient servant,

A. K. BLYTHE,
Consul General.

Hon. LEWIS CASS,
Secretary of State of the United States, Washington.

OFFICE OF THE GOVERNOR, CAPTAIN GENERAL, AND SUPERINTENDENT DELEGATE OF THE EXCHEQUER OF THE EVER FAITHFUL ISLAND OF CUBA.—GOVERNMENT SECRETARY'S OFFICE.

His excellency the governor, captain general, has ordained for general information that the following circular be published in the official gazette; the exact fulfilment of which has been re-enjoined on the governors and lieutenant governors of the island under date of the 6th of June last:

CIRCULAR.

Various and repeated measures have been adopted by this government to put down the slave trade, and though it is considerably diminished, it has not yet been possible to attain its complete extinction.

The government has information that new expeditions are expected, organized principally out of the island, and it is disposed to prevent their being landed by all means; but convinced that in many instances it is not possible to succeed because the parties interested in the traffic escape the vigilance of the authorities, I think the moment has arrived to appeal to more efficient measures. The continuation of the slave trade is a perpetual source of corruption and immorality, and as prejudicial to the credit of the government as to the tranquillity of these inhabitants.

The non-suppression of the slave trade injures the slave property of the island, the basis and foundation of her wealth and prosperity. And without molesting or disturbing the owners of slaves in their property, the government still has the power to adopt certain measures, which, though grave, are preventive of the evil. The laws of the Indies, governors, captain generals, to banish from the island those who endanger *the peace of the land*, and those who take part in African expeditions coming without doubt within the scope of this law, the authorities' right to apply the above-mentioned measure is also undoubted. It is true that in the greatest part of cases there is no legal proof of their participation in the offence, nor even of its having been perpetrated; but it is no less true that the measure contained in the laws aforesaid has the character of *governmental*, and that for the application thereof the legal proofs required for imposing penalties by virtue of judicial proceeding are for this reason unnecessary. In view of these considerations, I have decreed the following:

ART. 1. The governors and lieutenant governors, immediately that they, by the inditia that generally precede, shall obtain information that preparations are being made for the disembarcation of an expedition of slaves, shall proceed in fulfilment of the circular, dated 7th of this month, to banish from their districts all persons that they may deem conniving at it, and shall issue to them passports for the places which they (the parties) may select, provided that in the designated points the governors do not apprehend any danger of those parties continuing engaged in the slave trade.

ART. 2. If the disembarcation should be effected, they shall send to

this capital, at the disposal of this superior government, the parties who may appear to have taken part therein, or concealed on their estates the bozal negroes introduced, in order that after the proper process they may be banished from the island.

ART. 3. The governors and lieutenant governors are authorized to employ the public forces, and incur the expenditure that they may deem indispensable, for the suppression of the slave trade. The amount of such expenditures will be reimbursed to them by this government upon the presentation of the accounts therefor, which are to be rendered at the end of each month.

CONCHA.

HAVANA, *May* 2, 1857.
The secretary *pro-tem*,
MIGUEL SUAREZ.

To the LIEUTENANT GOVERNOR of ———.

Mr. Savage to Mr. Cass.

No. 51.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, August 7, 1857.

SIR: I transmit herewith copies of two communications addressed by this office to the collector of customs in New Orleans.

The two men, George Williams and Edmund Bennett, therein mentioned, have been in jail several days, and will go in the first steamer to New Orleans. Mr Blythe, previous to his departure, directed me to have these men secured and sent to that port, as they acknowledged that they belonged to the brig William D. Miller. Their evidence as given to me establishes that the vessel sailed from this port cleared for Montevideo; when at some distance from this port it was discovered that some eight or nine Spaniards were on board, and that a certain Manuel Abarroa, who appeared on the brig's papers as a seaman, was a master; that this person, and another of the Spaniards who acted as mate, had the control of the vessel except when in the neighborhood of men-of-war or of other vessels, then Captain Ford, the American master, acted commander, and Abarroa appeared as a common sailor; that they proceeded to Africa, and during the voyage, as well as on the coast, the William D. Miller was visited by several British men-of-war, and constantly used the American colors and papers until the slaves were taken on board, after which no flag was ever hoisted; the two men further testify that six days after leaving the coast with 470 slaves for Cuba, Abarroa, the Spanish captain, died, and from that time the Spanish mate and Captain Ford had together the management of the vessel; that after a passage of about 31 days they arrived at Sagua la Chica, a place between Cardenas and Sagua la Grande, where the slaves were safely landed by means of a schooner, after which the William D. Miller was taken to sea, scuttled, and sunk.

The length of the depositions prevents me from transmitting herewith a copy. Should you wish me to send one to the department, your directions would meet with a prompt compliance on my part.

A day or two after the date of Mr. Blythe's letter to the collector I heard that Captain Ford was still here. I have not, however, been able to learn anything further in regard to him, and presume he has found his way out of the island.

The slave trade, it is reported, has been carried on quite briskly during the present year. I hear of three cargoes having been safely landed a few days ago in the neighborhood of Sagua la Grande, for which the governor of the place has been removed.

A number of American vessels have been transferred here, and sailed under American colors with sea letters issued by this consulate; every one of them is suspected of having gone to Africa for slaves, instead of proceeding to the ports of the United States expressed in their sea letters. I enclose a list of such vessels, as well as of such others as were not transferred, but are likewise reported as having gone to Africa.

No evidence has ever reached this office to justify any action on the part of the consul to discover whether the vessels in question were really fitted out for the slave trade.

I take the liberty of referring you to Mr. Blythe's despatch No. 24, dated 24th April last, upon the subject of sales of American vessels to American citizens in foreign ports; and have the honor to remain, sir, with high respect, your most obedient servant,

THOMAS SAVAGE, *Vice-Consul.*

Hon. LEWIS CASS,
Secretary of State of the United States, Washington.

Mr. Blythe to Mr. Hatch.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 22, 1857.

SIR: I received in due time your official letter, dated April 11, and wrote immediately to all of the American consuls on the island, directing them to give the matter about which you desired information their special attention, and communicate to me the result. I have received answers from most of them, saying they have heard nothing of the William Clark, and that they would be on the alert, and report to me without delay any advices that might reach them. The above is my excuse for the delay in replying to you. You further ask me to furnish you with any particulars I may obtain in reference to the landing of cargoes of slaves on this island from any other American vessels.

I have learned, from undoubted sources, that the brig William D. Miller, of your port, landed, a few days ago, a cargo of slaves in the neighborhood of Cardenas, and was shortly afterwards taken out to sea, scuttled, and burnt. The number of negroes landed from her, I understand, was (412) four hundred and twelve. I presume she was, of course, under the usual bond, for she came from New Orleans, and *was not transferred* here; she was cleared at this office on the 3d of

March last for Montevideo, but went direct to the coast of Africa. I would advise *immediate* proceedings on the bond, as I will send you, by the brig Margaret A. Stevens, to sail to-morrow morning for your port, two witnesses who were with her on her entire voyage, and who saw her destroyed; she was formerly commanded by Captain Roberts, who resigned the command here on the 25th of February. Richard Ford, the former chief mate, was made master by me with the sanction of her consignees. The names of the two witnesses I send are *Edward Bennett* and *George Williams*. There were two other American seamen, named Thomas Cook and Thomas Bennett, and two Spaniards called Agustin Larrea and Manuel Abarroa. Her commander, I understand, has gone to Philadelphia.

It is rumored that many vessels bearing the American flag have gone from this island to engage in the slave trade. I have no doubt of the truth of the rumor, but find it exceedingly difficult to get hold of tangible and legitimate evidence.

You will please command me at any time and in any manner I may be enabled to serve you.

Very respectfully, your obedient servant,

A. K. BLYTHE,
Consul General.

Hon. T. H. HATCH,
Collector of Customs, Port and District of New Orleans.

Mr. Savage to Mr. Hatch.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, August 6, 1857.

SIR: Referring to the official letter addressed to you on the 22d ultimo by Mr Consul General Blythe, I now inform you that the two seamen, George Williams and Edmund Bennett, of the brig Wm. D. Miller, (who had agreed with Mr. Blythe to proceed to New Orleans in the schooner M. A. Stevens, and backed out,) were, a few days after, lodged in jail by my order, are there now, and will be placed on board of the United States mail steamship Philadelphia, to sail hence for your port on the 8th or 9th instant, the commander of which will have directions to deliver them to the authorities of the United States. You will, of course, know what steps to take to secure them.

Enclosed herewith you will find a copy of the affidavits given by the two men before me.

I am, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
Vice-Consul, in charge of the Consulate General.

Hon. T. H. HATCH,
Collector of Customs, New Orleans.

List of vessels transferred at Havana in 1857.

Bark Minnetonka, of New York, 283$\frac{8}{95}$ths tons; transferred on the 30th March to Frederick A. Drinkwater, of Portland, Maine. Cleared 3d of April, commanded by H. W. Mallery, with sea letter for Boston; 7 men; laden with rum and stores.

Schooner Joseph H. Record, of Newport, Rhode Island, 109$\frac{17}{95}$ths tons; transferred 20th April to F. A. Drinkwater. Cleared May 6th, with rum and stores, under sea letter for Boston; commanded by Henry P. Williams, with 5 men.

Brig R. B. Lawton, of Newport, Rhode Island, 198$\frac{15}{95}$ths tons; transferred 21st April to F. A. Drinkwater. Cleared 16th May, laden with rum and stores, under sea letter for Boston; commanded by George B. Stirling, her former mate; crew, 6 men.

Schooner Abbott Devereux, of Savannah, 113$\frac{71}{95}$ths tons; transferred 25th April to Thomas A. Myers, of Philadelphia. Cleared 9th of May, laden with rum and stores, under sea letter for Savannah; commanded by the said Myers; crew, 4 men.

Brig Telegraph, of Charleston, South Carolina, 185$\frac{74}{95}$ths tons; transferred 9th of July to Joseph A. Ellis, of New Orleans. Cleared 27th of July, with sea letter for Boston, under command of A. L. Baptista, a naturalized American citizen, of which he produced evidence, and resident of Baltimore; laden with rum, rice, sugar, &c.; crew, 7 men.

Schooner Niagara, of Wilmington, 174$\frac{84}{95}$ths tons; sold 23d July to F. A. Drinkwater, who has asked for a sea letter for Boston; she is still in port.

Brig Braman, of New York, 185 $\frac{17}{95}$ths tons; sold 24th of July to said Drinkwater. Cleared 18th of August, with sea letter for Boston; with cargo of rum and stores; commanded by William Smith; crew, 7 men, the same persons that brought her from New York. Captain Smith was the mate of the brig previous to the transfer.

Mr. Frederick A. Drinkwater, the purchaser of the Minnetoka, J. H. Record, R. B. Lawton, Niagara, and Braman, is a well-known American shipmaster from Portland; he has been in Havana a few months; is still here.

List of American vessels not transferred, reported to have gone to Africa after slaves.

Schooner James Buchanan, of Bristol, Pennsylvania, 142$\frac{25}{95}$ths tons; owned by Albert De Groot and others. De Groot was the master, who had a power from the other owners to sell her; he left a power of attorney to Francis D. Newcomb, of Havana, to sell her, but the consulate has no knowledge of her having been sold. Captain De Groot went home to Bristol, Pennsylvania; the vessel cleared with rum and stores for Boston on the 23d of June, under command of her former mate, John Duncan.

Bark Clara B. Williams, of New Orleans, 331$\frac{43}{95}$ths tons; Seth Briggs master, and 9 men; cleared 3d of June for Callao, with rum, sugar, cigars, tobacco scraps, hogshead shooks, &c.

Brig Windward, of New Orleans, 177$\frac{2}{95}$ths tons, Charles Rauch, master, arrived here 3d of July with an assorted cargo from New Orleans; cleared 13th of July with same cargo for St. Paul.

THOS. SAVAGE,
United States Vice-Consul.

HAVANA, *August* 7, 1857.

Mr. Trousdale to Mr. Cass.

[Extract.]

No. 87.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, September 3, 1857.

SIR: I have the honor to enclose herewith the five original letters indicated in your despatch No. 35, of the 8th April last, and a copy of the note which accompanied them. You will learn from a perusal of the note that the letters, when no longer needed in the United States, are to be returned to the office of the secretary of state for foreign affairs of the Brazilian government, to be used on the trial of other offenders, in this empire, should they hereafter be arrested. The letters are numbered, 158, 159, 161, 163, 332, and the copy of the note which accompanied them is marked A 87. I also enclose a copy of my note acknowledging the receipt, marked B 87.

* * * * * * *

Very respectfully, your obedient servant,

W. TROUSDALE.

Hon. LEWIS CASS,
Secretary of State of the United States.

Mr. Savage to Mr. Cass.

No. 63.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, October 13, 1857.

SIR: It having been reported to me on the 17th ultimo that a vessel, said to be American, had been captured, with negroes on board, by a Spanish war schooner in the neighborhood of Cardenas, and taken into that port, I wrote to the consul at Matanzas, requesting him to procure for me all the information he could from the consular agent at the first-named place.

You will find herewith enclosed a copy of Mr Garesché's reply. No further information having reached me from that consul, I again addressed him upon the subject on the 24th ultimo. My last letter remains unanswered. In the meantime the vessel, a bark, was brought into Havana under Spanish colors, with the crew and negroes. The crew are lodged in the public jail to undergo a trial, and the negroes are retained by the government for public service in the

capacity of *emancipados*. The number taken was only three hundred and eighty-three, of whom several have died of smallpox. No portion of the cargo had been landed previous to the capture.

The vessel is the bark Paez, formerly of Philadelphia, from which port she used to trade with Venezuela, but, from information given me by her captain it appears that she had been sold, and that a register was issued to her in New York, on or about the 20th March last, in the name of Frances M. Chase, a woman residing in New York. The captain has informed me that he was employed as master by Russell & Vining, shipping merchants of New York, and residing in Brooklyn.

After the bark's arrival here, no communication having reached me from the captain, I called at the jail on the 8th instant, when he delivered me a letter, (of which a copy is enclosed, marked A;) after reading which, I desired him to furnish me a full statement of all that occurred on the Paez, from her departure from New York to the time of her capture, which he did, and a copy thereof is accompanied hereto, marked B. The captain, (named George W. Palmer, a native of Stamford, Connecticut, and aged about thirty-five years,) assured me besides that the crew, who have the reason to be dissatisfied with the Spaniard who, as he alleges, deprived him of the command, testified on board the war schooner that he, Palmer, had had nothing to do with the taking of negroes on board, and he entertains the belief, based upon certain assurances deemed reliable by him, that he will soon be released.

On the day after my interview with Captain Palmer I addressed a communication to the captain general, laying before him a copy of Captain Palmer's statement, and requesting his excellency to furnish me such information bearing upon the affair in question as he could. I transmit herewith a copy of that communication, to which no reply has been given as yet. I enclose, likewise, a copy translation of the certificate given to Captain Palmer by the commanding officer of the war schooner that captured the Paez.

In the absence of evidence other than the captain's assertions, I have deemed it proper to be very cautious to advance nothing in opening a correspondence with the captain general upon such a delicate subject. I must, of course, await his excellency's reply before I can say anything further

It is reported that the authorities intend to destroy the vessel, as required by law; but I presume if it is made evident that Captain Palmer was actually deprived of his command, and that his vessel was engaged in the slave trade against his will, she should be returned to her owner, unless it is proved that such owner allowed her to be used for that purpose, and the Spanish captain and crew dealt with as pirates.

The slave trade has been going on very briskly. It is believed that a considerable number of Africans have been smuggled into this harbor; a short time since a cargo was landed during the night at the place called "La Punta," just outside of the city wall, and in view of three forts, the Punta gate, and the public jail, at all of which guards of soldiers are stationed; a few of the negroes only were dis-

covered and taken ; several persons are under arrest, charged with implication or connivance with the traffic.

Referring to the list of vessels transmitted with my despatch No. 51, I have to state that it is generally believed here that the *Minnetonka* safely landed a cargo of negroes from Africa, and afterwards proceeded to Yucatan, from whence she intended to make another voyage to Africa.

The Abbott Devereux, it appears, was captured on the coast of Africa by a British war steamer called the Teazer ; her ostensible owner and master, Thomas H. Myers, arrived here a few days ago from Teneriffe ; he handed me the certificate of the United States consul at that port, which I accompany, and desired me to furnish him a document to enable him to leave this island ; I granted his request, and he took passage in the American brig R. M. Charlton, that sailed this morning for Savannah.

Of the "Telegraph," I have heard that she went to Africa, not intended to bring slaves to Cuba, but to establish a factory there, and to be employed on that coast in connexion with the slave traffic.

Information has been given me that the "Clara B. Williams" has been seen hovering about the coast of Cuba for an opportunity to land slaves, and had been chased away by a Spanish man-of-war. In conversation a few days since with a person connected with the house which despatched that vessel in this port, he assured me that news had been received of her arrival at Callao, and of her being loading for Cadiz.

No tidings of any kind have reached me respecting the other vessels mentioned in the list, and no more American vessels have been sold here since.

Mr. Frederick A. Drinkwater, in whose name were cleared the Minnetonka, J. H. Record, R. B. Lawton, Niagara, and Braman, is believed to be in New York.

* * * * * * * * *

I have the honor to be, sir, with high respect,

THOMAS SAVAGE,
Vice-Consul.

Hon. LEWIS CASS,
Secretary of State of the United States, Washington.

CONSULATE OF THE UNITED STATES,
Canary Islands.

On the 10th of September, 1857, personally appeared before me Thomas Myers, and declared on oath that he is an American citizen, and late master of the American schooner Devereux, wrecked on the coast of Africa, when he lost his ships papers and all his personal effects, and arrived at this port on the first instant passenger on board the English steam packet "Gambia ;" and that having applied to the local authorities for a permit to embark for Havana, on his way to the United States, they refused granting him the necessary pass-

port without a certificate from this consulate of he being such as he represents himself to be.

An act whereof being of me required, I hereunto affix my signature [L. S] and seal of office, at Santa Cruz, Teneriffe, *ut supra*.

CHARLES LE BRUN,
Acting Consul.

B.

CASE OF THE BARK PAEZ.

Statement of facts of moment in relation to the bark "Paez" from the time of my assuming command of her to the time of capture by the Spanish war steamer "Cristina."

The command (which is my first) of the "Paez" was offered to me about one week previous to sailing, and, after one or two days, accepted by me. The stevedore's men were already at work on board; she was chartered by Messrs. Russell & Vining, shipping merchants of New York, and loaded with lumber, rice, wheelbarrows, &c., &c.; her ballast was water. The bills of lading (now in possession of the Spanish authorities) show her cargo for St. Thomas, (W. I.,) and Sombrero island for a guano voyage; and in case of not procuring the guano, I was to proceed to Porto Rico, or obey such instructions as Messrs. James & Phillips, of St. Thomas, to whom I was consigned, might give.

Upon this voyage I took command of the bark, and *no other*, as none was named to me. My crew was shipped in the regular way (by shipping masters in Peck slip) that all crews are shipped in American vessels, and I named no other voyage to the men than what the shipping articles under which they were shipped are headed for; told them of *no other* captain than myself. (The shipping articles, together with the crew list, register, and various other papers, are in possession of the Spanish authorities, to whom I delivered them.)

The Spanish man or pilot, who deprived me of the command, was to be the pilot for the Sombrero keys, as I was told he knew all about them. He was not put upon the articles, because I did not think it necessary, as he was nothing but pilot, no more than any other. The "Paez" cleared at the custom-house in New York on the second of April, and I sailed the same afternoon at about two o'clock from the wharf in tow of a steamboat; one of the charterers accompanied me to see me off. On arrival on board the vessel I asked if all hands were on board, as I had left orders for all to be on board at 12 o'clock.

I found all present except the mate, who was shipped under the name of Rufus Jones, and who, the ship-keeper told me, had gone to get the pilot on board, as he did not know the way. After proceeding down the bay, and the Narrows being passed, say two miles, the pilot came on board in a steamboat with his baggage, some five boxes. I afterwards learned that four of the boxes contained medi-

cines, and the other, a large one, contained a boiler and stove connected. After being on board some five or ten minutes he handed me a letter which I did not read at the time, as the vessel required my attention, she being under way, but put it in my pocket to read at leisure, supposing it nothing of great importance; at the moment a strong breeze was blowing from NW. I did not go below for some hours after, say eight o'clock in the evening, and when I went to my room I found my baggage had been removed to a room in the cabin; the pilot's baggage was in the room, but I said nothing, thinking that in the morning I would arrange matters. When morning came, and having read the letter, instead of my arranging matters, I found that they had been arranged for me. The letter is now in the hands of the Spanish officers, and bears the signature "J. A. Cubinda" or Cabindo, or some such name; it was in English, and the handwriting is unknown to me. Upon my giving an order I was told that the Spaniard was captain, and that I was nobody so far as the control of the vessel was concerned. I told the pilot my destination was St. Thomas, West Indies; he answered, the St. Thomas that I was going to was in Africa; I replied, *no.*

Jones, the mate, was the interpreter on nearly every occasion. The name was undoubtedly an assumed one; he is a Portuguese.

I found myself surrounded by foreigners, (Portuguese and Spaniards,) and the control of my vessel taken from me; and not knowing or understanding their language, who was my friend, or whom to trust, I kept silent, hoping that some circumstance might again place me in command as time went on. Frequently there was trouble among them; the men were called aft several times to settle their squabbles. I do not know how many times they and myself were told that the Spanish pilot was captain, and that his orders were to be obeyed, as he was not only captain but owner and everything, and which they acknowledged on all occasions. Jones was his right-hand man.

About three weeks after the vessel left New York they commenced getting the cargo on deck, and throwing overboard such as was not required for the deck and stores. So matters went on, and I, finding all hope gone of again commanding, destroyed my flag by cutting and tearing it in such a manner that it could not be used, and placed it in my bag; the flag I have delivered to the Spanish authorities; there was another old broken flag, the Union of which I cut out and threw overboard. The vessel proceeded; nothing worthy of being mentioned occurred until the 31st of July, when she arrived on the coast of Africa, at a place marked by some large mango trees, lat. 6° 45′ S.: the trees are in a grove; the place was called in the letter brought to me by the Spanish captain *Mango Grande;* I have never seen the name on any chart or book or geography; here a white flag was hoisted at the foremast head, and was answered on shore by a white flag with a dark or black cross from corner to corner; there is no port that I know of nearer than Rio Congo.

The Spanish captain went on shore, and in the evening or about sunset came off with a boat load of negroes; some four boats were employed in bringing off the negroes, two of which boats were large; the boats were manned by negroes belonging to the coast. The Spanish

captain brought also two Portuguese men; one worked as a seaman, the other did nothing more than go about the deck, look at the negroes, and amuse himself as best he could; he was a sort of negro doctor. I saw only two white men from the shore beside the passengers, to one of whom the captain sold one of the bark's boats and got two negroes for it, so one of the crew told me. I think there were some 567 or 576 negroes brought on board, as near as I could learn from the men. The captain would tell me nothing; neither could I obtain information in regard to consignees, or where the negroes were to be landed, further than it would be in Cuba.

The captain and passengers may have owned a portion of the negroes, but I do not know for certain. I have been told that the captain had some besides the two he got for the boat. The same evening we sailed away from the coast; we were not seen or spoken to from the time we left New York up to this time by any vessel of war.

Nothing occurred until, I think, the 12th of August at ten o'clock at night, when in latitude 3° 45′ south and longitude 15° 00′ west, or thereabouts, a brig came up from astern (she had not been seen but a few minutes previous) and hailed the bark three times, and I, from necessity, answered the question, saying we were from St. Thomas by direction of the captain who was near me with some four or five other men. The captain directed me to say *bound* to New York, but I said to *Baltimore*

By the brig's manœuvres I should judge she was a war vessel; it being dark I could not see her well. After speaking us she left without asking the bark's name or nationality, and steered to the northward. The bark proceeded on and was not again spoken until September 14, when at the Cay de Cadiz (Cuba) she was boarded by two boats from her Catholic Majesty's schooner "Cristina," and taken as a prize. She had the same white flag at the foremast head that she had on the coast of Africa. I saw no signal from shore, but from a sloop I saw a man wave a hat, to go out as I suppose, but the captain would not.

As soon as I could make myself understood I requested to be taken from the bark, which the commander of the schooner promptly did. I handed my papers to the commander; they had not been seen or out of my possession from the time I received them in New York. I also gave the commanding officer of the schooner all the information that I could, through an imperfect interpreter, to obtain the paper that I knew the Spanish captain had. I have since endeavored to give all the information to the officers of the government that I possessed, and will continue to afford every facility that is in my power. I have no friends to shield or interests at stake to keep silent.

When the bark was taken I suppose she had on board from 380 to 400 negroes; the balance died during the passage. A number have since died, but I do not know how many. I was on board the schooner.

While on board the bark during the voyage, I did nothing of choice, except as self-preservation.

Since leaving the African coast the captain has not been very kind

to his men. He had got his cargo, and there was no retreat when at sea with such a cargo, let a man suffer what he may.

I think I have given here and elsewhere all the material facts.

GEORGE W. PALMER.

HAVANA JAIL, *October* 8, 1857.

Mr. Cass to Mr. Black.

DEPARTMENT OF STATE,
Washington, October 26, 1857.

SIR: I have the honor to transmit herewith, for your information, and in order that the requisite instructions may be given to the United States attorneys at New York, Philadelphia, Portland, and New Orleans, for the prosecution of certain persons alleged to be concerned in the slave trade, a copy of two despatches, Nos. 51 and 63, with their respective enclosures, which have been received from Thomas Savage, the consular officer residing at Havana, in charge of the United States consulate general of Cuba.

I am, sir, your obedient servant,

LEWIS CASS.

Mr. Blythe to Mr. Appleton.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, November 26, 1857.

SIR: Since the last communication from this office upon the subject, three additional American vessels have been captured on the coast of Cuba, and brought into this port, with slaves from the coast of Africa on board—the Zephyr, of Baltimore, the Vesta and Petrel, of Boston. When the two first above mentioned were captured, the crews made their escape. The crew of the last, consisting, as I understand, wholly of foreigners, were brought in the vessel, and are now in prison.

These vessels, I presume, still ostensibly belong to American citizens. Their names have been rendered somewhat indistinct by an effort to efface them, but those given above are, I think, correct.

With much respect, your obedient servant,

A. K. BLYTHE,
Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State, Washington.

Mr. Willis to Mr. Cass.

[Extracts.]

SALEM, *Mass.*, *February* 12, 1858.

SIR: * * * * * * *

The slave trade has been of late carried on to a great extent on the southwest coast of Africa by vessels sailing from ports in the United States and Havana, some of which are owned by Portuguese living in New York, who, through some ship-brokers, manage to elude the vigilance of the United States authorities in that city.

This system interferes very much with those engaged in legal trade, as they, in order to make a good appearance at the custom-house, have a regular cargo, which, when the vessel arrives on the coast, is forced on the market at any price.

The English commanders of government vessels on the coast have, in many instances, taken great liberties with American vessels, and the presence of one or more United States vessels is very important, both for legal and illegal trade. The weather on the southwest coast is always good, and the harbor of Loando is very fine. Good water and provisions of all kinds can always be procured there at much cheaper rates than elsewhere on the coast.

* * * * * * * *

Very respectfully, your obedient servant,

JOHN G. WILLIS,

U. S. Com'l Agent, St. Paul de Loando.

Mr. Blythe to Mr. Appleton.

[Extract.]

No. 4.] CONSULATE GENERAL OF THE UNITED STATES,

Havana, March 9, 1858.

* * * * In my despatch No. 24, of the 24th April, 1857, I called the attention of the department to the threatened abuse of the flag of our country, growing out of what I deemed the imperfect act of March 2, 1803, in relation to the sale of American vessels to American purchasers in foreign ports. I then stated, "I fear that the act referred to has been or will be used as an auxiliary to vessels in reaching the coast of Africa." My apprehensions have been proved to have been well founded. I am now convinced that nearly if not every vessel so sold at this port has gone to the coast of Africa. Several of them have certainly returned to this island with cargoes of negroes. The same system of sale and purchase of American vessels at this port is still carried on. In most, if not in all, cases I am convinced that foreigners are the *bona fide* purchasers, but it is utterly impossible,

with the time and opportunities I have for investigation, to reach the fact officially. I therefore again suggest that the consul, under such circumstances, shall be clothed with authority to demand a heavy bond, or that the act be entirely repealed. The latter course of legislation would be productive of no serious injury and but little inconvenience to American citizens abroad who desire to become *bona fide* purchasers. * * * * * * * *

With much respect, &c,

A. K. BLYTHE,
Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State of the United States, Washington.

Lord Napier to General Cass.

HER BRITANNIC MAJESTY'S LEGATION,
Washington, April 16, 1858.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, relative to the prosecution of the African slave trade under the fraudulent assumption of the American flag, and respecting the course adopted by her Majesty's government and the British cruisers in the repression of this nefarious traffic.

Your remarks will be transmitted for the consideration of her Majesty's government.

With reference to the "Louis McLane," to which you have particularly alluded, I learn from the correspondence forwarded to her Majesty's legation that this vessel was detained by her Majesty's ship "Alecto," on the ground that her papers were imperfect or fraudulent, and under the conviction that she was not justly entitled to the protection of the flag which she had adopted, being deficient in various particulars requisite to confer a character of nationality.

The suspicions of the commander of the "Alecto" were immediately justified by the conduct of the master of the slaver. He threw his papers and colors overboard, and surrendered himself as a lawful prize, making declaration that he was engaged in the slave trade, as appears by the document bearing his signature, of which a copy is enclosed herewith.

The name of the vessel was verbally conveyed to Commander Hunt previous to her detention. She is stated to have been a schooner of 176 tons burden, American measurement. It may not be easy now to obtain an accurate report of the defect in her papers, as the latter have perished by the act of the master, but I will lose no time in making a communication of your wishes on this subject to her Majesty's government, in order that the proceedings of the federal

authorities at New Orleans may be conducted with all the information we are enabled to supply.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

NAPIER.

Hon. LEWIS CASS, *&c., &c., &c.*

OCTOBER 15, 1857.

SIR: Having forfeited the right to the protection of any flag, and the schooner under my command (whose name I refuse to divulge) being fully equipped for the slave trade, and when boarded by your boat quite ready for the embarkation of six hundred slaves, I deliver her up as a lawful prize, and request you will land me, without my crew, as near the Congo as convenient to you.

I am, &c.,

J. W. BUCKLEY.

Commander J. HUNT,
Her Majesty's Ship "Alecto."

Mr. Blythe to Mr. Appleton.

[Extract.]

No. 7.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, May 8, 1858.

I have hitherto apprised the department of my conviction that our flag is sometimes prostituted for the purposes of the slave traffic. But the evil is certainly not so great as to yield to its exigency the great principle of international law for which we have so strenuously contended. If it is determined to remedy the evil, let it be done by a sacrifice of money rather than of honor. If our merchant marine is to be subjected to such surveillance, is it not better to send our own national vessels, at any cost, to perform the act. It is known to the world that we have always contended for the freedom of the seas, and have insisted that the flag of an independent nation, borne by a vessel, shall give her immunity against stoppage or annoyance for purposes of visitation or search. When such is the principle announced by us, it can but be matter of mortification to all who feel an interest in our flag to see the principle violated constantly, almost in sight of our own shores.

I am, sir, your obedient servant,

A. K. BLYTHE.

Hon. JOHN APPLETON,
Assistant Secretary of State of the United States, Washington.

Mr. Dallas to Mr. Cass.

No. 102.] LEGATION OF THE UNITED STATES,
London, May 11, 1858.

SIR: With my No. 95, of the 24th of March last, I transmitted a copy of the letter I had addressed to the Earl of Malmesbury, stating the claim of Mr. John A. Machado to be compensated for injuries and losses arising out of the seizure and detention of his ship "Thomas Watson," while trading on the coast of Africa, by Commander Robson, of Her Majesty's ship "Bloodhound." The answer to this communication came from the foreign office on the 8th instant, and is hereto annexed, in copy, together with my acknowledgement of its receipt.

I did not look for so early or so frank and favorable a notice of this claim; for, though substantially it be well founded and just, I had not received, and could not therefore submit to this government more than a general or conjectural estimate of damage. That Lord Malmesbury should advert to this deficiency in the case of Mr. Machado is natural enough; while certainly the modes he suggests for supplying it, and settling on a precise amount as the remuneration to be paid, are unexceptionably candid and fair.

Mr. Machado will, I presume, be furnished by your direction with a copy of the correspondence; and he can then apprise the department to which of the proposed methods, if to either—consular examination or arbitration—he would prefer the point submitted. The British Consul at New York, Mr. Archibald, may be known to him. That gentleman is here held in highly honorable estimation; and, for my own part, I should deem an assessment more likely to be justly, if not liberally, made by him than through arbitration. Of this, however, I suppose Mr. Machado will be permitted to be the exclusive judge. On your determining to adopt one or the other course, it will doubtless seem to you as expedient to define as clearly as possible the single object of the examination, and to limit the time within which the result should be reported.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *May* 6, 1856.

The undersigned, her Majesty's principal secretary of state for foreign affairs, has the honor to acknowledge the receipt of the note addressed to him on the 22d of March last, by Mr. Dallas, envoy extraordinary and minister plenipotentiary from the United States at this court, relative to the claim of parties interested in the American ship "Thomas Watson," to compensation for losses sustained by them, owing to the seizure of that ship by Commander Robson, of her Ma-

jesty's ship "Bloodhound," who sent her for adjudication to Sierra Leone, on a charge of detaining a colored British subject, with the view of selling him as a slave.

The undersigned, before entering into the question of the claim to compensation, must necessarily express his belief that Mr. Dallas cannot have been made acquainted with the course which was pursued by her Majesty's government on first learning from their own authorities the proceedings of Commander Robson in this case; and he will, therefore, just mention that Commander Robson's conduct was not only wholly disapproved, but her Majesty's minister at Washington was instructed, so long ago as November last, to inform the government of the United States that the proceedings of Commander Robson were disavowed by her Majesty's government, who tendered to the American government the expression of their regret, and also immediately punished Commander Robson by depriving him of his command.

Mr. Dallas will thus see that no time was lost by her Majesty's government in spontaneously making such amends as was fairly due from one government to another; and her Majesty's government cannot doubt that the government of the United States will have justly appreciated the communication which Lord Napier was instructed to make.

With regard to compensation to the parties interested, her Majesty's government having had occasion themselves to consider their officers in the wrong, must necessarily admit that some compensation is due, and the only question which can therefore arise is the amount to be paid.

The undersigned observes that the total sum claimed is eighty thousand dollars, namely, sixty thousand dollars on account of the owner of the ship, and twenty thousand on account of his agent. No opportunity, however, has been afforded to her Majesty's government by the claimants of judging whether these sums can justly be said to represent the proper amount of compensation, as neither vouchers, certificates, nor data, are annexed to the claim, which the undersigned is led to consider excessive, particularly as the ship appears to have reached her destination (New York) without serious damage or deterioration.

Her Majesty's government, however, being desirous that this matter should be promptly and amicably adjusted, will instruct her Majesty's consul at New York to investigate any statement which the owners of the "Thomas Watson" may think proper to put before him, and, if possible, to come to an understanding thereupon with the parties interested; but, if this course should not lead to a satisfactory settlement, her Majesty's government would be disposed to consider that the amount of compensation might fairly be left to arbitration, and would be prepared to agree to the terms of such arbitration, if the government of the United States should concur in this course.

The undersigned has the honor to renew to Mr. Dallas the assurance of his highest consideration.

MALMESBURY.

G. M. DALLAS, Esq., *&c., &c., &c.*

LEGATION OF THE UNITED STATES,
London, May 10, 1858.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acknowledge the receipt of the communication which the Earl of Malmesbury, her Majesty's principal secretary of state for foreign affairs, has addressed to him, under date of the 6th instant, in reply to his note of the 22d of March last, wherein he advanced a claim on behalf of certain citizens of the United States, to be compensated for losses arising out of the seizure and detention of the ship "Thomas Watson," by Commander Robson, of her Majesty's ship "Bloodhound."

The undersigned derives great satisfaction from the assurance given by his lordship of the prompt disavowal, heretofore made by her Majesty's government, of Commodore Robson's proceeding.

The undersigned will forthwith transmit his lordship's letter to the Department of State, at Washington; not doubting that the suggestions it contains respecting the manner of ascertaining, as near as may be, the amount of compensation justly payable to the claimants, will be considered with the high respect to which they are entitled.

The undersigned has the honor to renew to the Earl of Malmesbury the assurance of his highest consideration.

G. M. DALLAS.

Lord Napier to Mr. Cass.

HER BRITANNIC MAJESTY'S LEGATION,
Washington, May 16, 1858.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, conveying an account of the circumstances which are alleged to have attended the boarding of the American vessel "N. B. Borden," by her Majesty's sloop "Styx." I have transmitted copies of your communication to her Majesty's government and to the commander-in-chief of her Majesty's forces on the West India station.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

NAPIER.

Hon. LEWIS CASS, *&c., &c., &c.*

Mr. Dallas to Mr. Cass.

No. 104.] LEGATION OF THE UNITED STATES,
London, June 1, 1858.

SIR: On last Friday evening, the 28th ultimo, I received your Nos. 102 and 103, and yesterday your No. 104 reached me.

The nature of No. 103 induced me immediately to request an inter-

view with Lord Malmesbury. On the next day, Saturday, I was apprised by note that his lordship would be happy to receive me at his private residence in Whitehall Gardens, on Monday, at 12 o'clock. The steamer Europa arrived on Sunday, bringing the unanimous adoption of Mr. Seward's resolution by the Senate, an increased list of outrages, and a concord of editorial exasperation. I went at the hour designated, found his lordship alone, and entered, without any sort of preface, upon the object of my visit, which was not confined to a mere iteration in the case of the Cortez of what I have repeatedly written.

I told him I had asked for the interview that I might invoke his special attention to the excited condition of the public mind in the United States, provoked by sudden and seemingly systematized assaults made upon our commerce by British cruisers off Cuba, in the Mexican Gulf, and upon the western coast of Africa, and that I had not waited the slow process of correspondence, because I was desirous to communicate to the President, without losing the opportunity of the steamship on Wednesday, whatever the sentiments of this government might be at this critical juncture.

I reminded his lordship that for the last twenty years the American ministers at this court had been charged with earnest remonstrances against the rash and presumptuous manner in which the officers of her Majesty's navy were in the habit of treating the national flag of our country, by boarding, searching, and seizing our vessels, under pretence of their being engaged in the traffic for slaves, and of breaking up, by menaces, detentions, and violence, the lawful voyages of our traders. Several of these cases had been presented by myself to the British government. Disavowals had followed upon disavowals. The offenders had been reprimanded, removed from their respective commands, or otherwise punished. Fresh instructions or regulations had issued from the admiralty, and yet the same process of arrest, search, seizure and capture, was constantly repeating.

The mischief would seem almost inveterate. It certainly called for something more stringent and decisive than the measures heretofore adopted. The President could entertain no doubt of the disposition of her Majesty's government to cause the practice of detaining and searching American vessels to be discontinued; and as evidence of that confidence, I would frankly read to him the despatch on the communicated case from Washington, that of the Cortez, and would place in his hands copies of the consular report and of the affidavits annexed to it I did both, and added, that the circumstances connected with the capture of the Cortez doubtless required time for satisfactory investigation, but that I trusted his lordship would recognize the expediency of putting it in my power to transmit, without delay, to the American government the written sentiment of the British cabinet on the general topics.

Lord Malmesbury appeared impressed by the view presented, and by the urgency, perhaps, of my manner. I apprised him that the "Times" of the morning, which he had not seen, contained notices of further outrages on our vessels and of the action of the Senate, and I ventured on reading to him an apt paragraph in a private letter, written to me by an eminent gentleman of Boston known to him, descrip-

tive of the universal and strong excitement produced by these naval outrages. These references were, of course, as I observed, unofficial, but they had a tendency to show his lordship that a prompt proceeding by his government could not fail to be opportune and salutary.

His lordship said that the subject was one extremely difficult to manage; that, within the last three weeks, orders devised by Sir John Packington, had issued from the admiralty, strictly enjoining upon their naval officers the execution of their duties with care, civility, and forbearance; that he would inquire particularly as to pre-existing orders or incidents whence may have arisen the sudden and simultaneous activity among the British cruisers on the West India station; that her Majesty's government were sincerely anxious to maintain undisturbed the existing friendly relations between the two countries, and would do everything in their power for that purpose; and that he would address to me a note before to-morrow afternoon, which I might transmit at once to Washington.

But, asked his lordship, as we all know that the flag of the United States is fraudulently resorted to by the traders of other countries, in order to screen their pursuit of slave traffic, how can we verify its genuineness except by at least visit and inspection of papers? If any other mode, less vexatious and irritating, less liable to abuse, of effecting the object can be contrived, it would certainly be cheerfully adopted.

I remarked that, as far as respected the naval co-operation against the slave trade on the western coast of Africa, the absolute immunity of American vessels from any sort of interference, except from American officers, was expressly stipulated by the treaty of 1842; that this stipulation had been over and over again irregularly departed from; and that it was obviously much better, on a pretension of maritime police, that whenever the American flag was hoisted, American scrutiny alone should be resorted to; and if that was impossible, owing to the absence of our force, it was better that a physical obstacle in the way of executing a given policy should be submitted to rather than incur the hazard of violating international compacts, and of embroiling two great nations who had relations and interests at stake compared with which this particular movement of philanthropic reform was as nothing. The privilege to stop, visit, and search our ships on the high seas for any purpose whatever, he was aware to be inadmissible by the almost unanimous sentiment of the American government and people. Lord Malmesbury must also recollect that in consequence of the devices resorted to by the officers of the British cruisers, the security which ought to result from the possession of genuine documents had been frustrated; that the law of the United States punishing the traffic as piracy with death, the American captain, if at all conscious that suspicious appearances of any sort might be detected about his vessel or her cargo, was easily terrified or corrupted into the destruction of his papers. This last was distinctly the case of the Cortez, and similar ones had preceded it.

I hope to transmit the note promised by Lord Malmesbury, even though it should reach me at a late hour. While waiting for it let me briefly say that the news from America has produced considerable

stir. In the Commons last night a question was put to the ministry by our radical and intelligent friend Mr. W. S. Lindsey, of Tynemouth, concerning the search of our vessels, the answer to which was postponed till this evening. Mr. Richard Cobden has called at the legation twice in obvious anxiety. In the *money* article in to-day's "Times" it is said, "advices from Washington as to the feeling manifested against our operations at Cuba for the suppression of the slave trade are not of a satisfactory character;" and the Morning Post contains a labored article of the true Palmerstonian spirit, admitting the difficulty, but asserting a disposition to cut right through it in the sacred cause of anti-slavery. * * * *

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS, *Secretary of State.*

Consul Bunch to the Earl of Malmesbury.

[Extract.]

BRITISH CONSULATE,
Charleston, June 1, 1858.

I have the honor to report to your lordship that there sailed from this port, a short time since, a schooner called the "Lidia Gibbs," commanded and owned by a person named Watson, ostensibly on a voyage to the West Indies, in the trade between which and this port Watson has been engaged upwards of twenty years. Until now, however, he has never had a vessel of his own; but has sailed in the employ of Mr. Chapman, a merchant of this port.

At the time of the vessel's departure no particular suspicions were entertained that she was about to engage in an illicit traffic, but I have subsequently been informed that she arrived in the Havana, where she was sold to persons unknown for the sum of $12,000, (her whole cost, when new, having been $7,000;) and that she has proceeded, under the command of Watson, to the coast of Africa, manned by a crew of Americans, and beyond a doubt under the original American papers.

The owner himself, I regret to say, is a Scotchman, but naturalized in the United States. He is to receive $6,000 for the voyage, whether successful or not; $6,000 more if he escape detection, and in addition a certain number of the slaves actually landed in Cuba for his own share.

The schooner is said to be very fast indeed, having been built for great speed and furnished with every appliance for insuring it. She is of about 114 tons burden and of northern build.

Mr. Cass to Mr. Cobb.

DEPARTMENT OF STATE,
Washington, June 3, 1858.

SIR: Referring to my communication addressed to you on the 30th of May, 1857, transmitting a despatch, No. 24, received from A. K. Blythe, the United States consul general at Havana, in which some judicious suggestions were made concerning the need of further provisions of law or of treasury regulations to prevent the abuse of the American flag, and the participation by American built vessels in an unlawful traffic subsequent to their sale in one foreign port, and their delivery to the purchasers in another and distant one, I now enclose for your information, on the same subject, an extract from a despatch, No. 4,* received from Consul General Blythe, in which he states that his apprehensions had been realized in relation to the imperfection of the act of March 2, 1803. He states that nearly if not every vessel sold at Havana had gone to the coast of Africa, and several of them returned with cargoes of slaves. He suggests that the consul should be clothed with authority to demand a heavy bond in cases of the sale of vessels under the circumstances set forth by him, or that the act to which he refers be entirely repealed.

I am, sir, your obedient servant,

LEWIS CASS.

Mr. Blythe to Mr. Cass.

[Extract.]

HAVANA, *May* 17, 1858.

I believe I have more than once called the attention of the department to the abuse of our flag, and its prostitution to nefarious purposes, by means of the act of Congress of 1803, authorizing the sale of American vessels to American purchasers in foreign ports, and continuing certain privileges with such vessels. I am thoroughly convinced that the act as it now exists is productive of more evil than good, and, if it cannot be properly modified, would certainly recommend its repeal.

Mr. Cass to Mr. Cobb.

DEPARTMENT OF STATE,
Washington, June 3, 1858.

SIR: I have the honor to transmit herewith, for your information, two extracts from a despatch of Consul General Blythe, dated May

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* *See Consul Blythe, despatch* No. 4, p 80.

17, 1858, respecting the abuse of the American flag, and alleged frauds on the revenue of the United States in the importation of cigars.

I am, sir, your obedient servant,

LEWIS CASS.

[Extract.]

CONSULATE GENERAL OF THE UNITED STATES,
Havana, May 17, 1858.

That which I deem of primary importance is the condition of seamen overtaken by disease in this port. The voice of humanity cries earnestly in this matter. It would extend this letter to too great length were I to attempt now an exposition of a plan of relief as I once purposed. Something must be done by our government, or we will continue, as we have done, to suffer serious injury in the loss of very many of that class of our people who are indispensable to our commercial prosperity, and be derelict in a high moral duty. I transmit herewith suggestions on the subject hastily made by an experienced American physician of this place, and without indorsing the views therein set forth in all particulars, would commend them to your consideration.

As connected with the above by kindred ties, I again ask that the government make a strenuous effort to obtain the privilege of Protestant worship in the island, or, at least, in the city of Havana. I have, in another despatch, suggested that such permission is probably more desirable to be obtained for this place than any other. Great numbers of our people come here during the winter—a large proportion of whom are invalids—many with fatal diseases which terminate their lives.

HON. JOHN APPLETON,
Assistant Secretary of State, Washington.

[Extract.]

HAVANA, *May* 17, 1858.

Another abuse presents itself constantly to my view in my present position, and I would feel that I had been greatly remiss in duty in failing to have brought it to the notice of the government were I not convinced that it is not ignorant thereon. I have reference to the frauds almost universally practiced upon our revenue in the article of cigars. I am sure that out of the immense number of affidavits to invoices of this article ninety-nine out of every hundred are false. The evil in this matter is not confined alone to frauds upon the customs, but nearly all American merchants have been driven out of the trade. It is now nearly entirely monopolized in most of our ports by unprincipled foreigners, who only think they have done a creditable thing when they have defrauded the revenue by means of perjury and otherwise. I confess, however, I have no remedy to suggest, and in this isolated article the grievance is so great, and an efficient remedy so difficult, that I am very nearly convinced that a departure from the usually just *ad valorem* system is advisable.

Mr. Appleton to Mr. Blythe.

DEPARTMENT OF STATE,
Washington, June 3, 1858.

SIR: I have to inform you that extracts from your despatch, dated May 17, 1858, respecting the participation by American vessels in the slave trade, and also relating to alleged frauds on the revenue of the United States in the importation of cigars, have been sent to the Secretary of the Treasury. Extracts from your despatches relating to expenditures for sick and destitute American seamen, the unhealthy location of the hospitals in which they are confined, and mortality therein, have been transmitted to the chairman of the Committee on Commerce of the House of Representatives, with a view to further legislation on the subject.

I am, sir, your obedient servant.

Mr. Appleton to Mr. Blythe.

DEPARTMENT OF STATE,
Washington, June 3, 1858.

SIR: I transmit herewith, for your information, a printed copy of Senate executive document, No. 59, 35th Congress, 1st session, concerning the recent search or seizure of American vessels by foreign armed cruisers in the Gulf of Mexico. Among the papers transmitted to the Senate you will find copies of your despatches Nos. 6 and 7, with the enclosures accompanying them. Your proceedings in the case of the Cortez, and promptitude in presenting the facts to the department, are cordially approved.

Your despatch, No. 24, respecting the sale of American vessels at Havana, and their participation in the slave trade, and suggesting further legislation on the subject, was referred to the Secretary of the Treasury on the 3d of May, 1857; and an extract from your No. 4, of 1858, on the same subject, has this day been transmitted to the same department.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

Mr. Dallas to Mr. Cass.

No. 106.] LEGATION OF THE UNITED STATES,
London, June 4, 1858.

SIR: My No. 104 had to be sent on the 1st instant without the expected communication from the Earl of Malmesbury. That note reached the legation at about 9 o'clock, some hours after the despatch

bag had gone. I annex a copy of it and also a copy of my letter conveying to his lordship a copy of your No. 103.

The Vanderbilt brought me yesterday your No. 106, and in transmitting to Lord Malmesbury the additional evidence concerning the "Cortez," sent by that despatch, I thought the opportunity a good one to express my apprehension as to the unsatisfactory character of his note of the 1st instant. Whether it will induce him to do something more at this critical moment, or whether he will tranquilly wait for a specially authorized reply, I cannot say. I annex a copy.

In the meantime the publication in the newspapers of your letters to me, Nos. 103 and 106, the latter before I had received it, has created much anxiety. It is quite evident that the many and sudden aggressions upon our vessels are not results of mere personal indiscretion, but spring from naval instructions, which were probably unknown to the present government here. Rather lame interpellations and answers have been made in the House of Commons. The Times of yesterday contains an editorial article not altogether injudicious, for it concludes by suggesting the inexpediency of prolonging the effort to enforce philanthropy upon those who reject it. The Post of this morning reaches more directly an abandonment of the right of search rather than a contest with us. A firm and composed attitude may turn the crisis which their violence has produced to the attainment of our object. I have the assurance of the leading men among the radicals that they are averse to this system of meddling with the rights and business of others with a view to carry out any favorite policy.

The three fresh cases to which my attention and prompt action were called by your No. 106, namely, that of the brig *A. A. Chapman*, pursued and fired at by the "Forward;" that of the schooner *Mobile*, chased, fired into, and boarded by the war steamer "Styx," and that of the ship *Topic Bird*, fired into and searched by the steamer "Jasper," together with the extraordinary overhauling given to numerous American vessels in Sagua la Grande, will constitute the matter of another communication to Lord Malmesbury without loss of time.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *June* 1, 1858.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, enclosing a copy of a despatch from the Secretary of State of the United States, and referring to various documents annexed to it, complaining of the detention and search of certain American vessels by British cruisers, and stating that while the government of the United States is determined to use all proper exertions for the suppression of the slave trade, it is not less desirous that the just immunity *of the vessels of* the United States upon the ocean should be preserved.

I can assure you, sir, in reply, that her Majesty's government are as anxious as the government of United States to prevent such occurrences as those to which General Cass alludes in his despatch; but the difficulties by which the question is beset are mainly occasioned by the practice of vessels engaged in the slave trade making use of the flag of the United States to cover their nefarious enterprises.

Her Majesty's government are persuaded that the government of the United States view this practice with the utmost indignation, and I do not therefore hesitate to request you, sir, in pointing out the difficulties to your government, to add that her Majesty's government would rejoice if the government of the United States could suggest any means by which such an objectionable practice should be put a stop to.

In the meanwhile, however, the board of admiralty have enjoined the British naval commanders to carry out this duty in regard to the suppression of the slave trade on which they are employed, in a manner as little calculated as possible to give occasion to complaints such as those made by General Cass; and those injunctions will be repeated and more specifically addressed to the commanders of the British cruisers off Cuba.

And as regards the particular case of the "Cortez," to which the papers which you left with me yesterday refer, I will lose no time in transmitting those papers to the board of admiralty, in order that the circumstances therein set forth may be strictly investigated.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

GEORGE M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

LEGATION OF THE UNITED STATES,
London, June 3, 1858.

MY LORD: I have the honor to acknowledge the receipt of your lordship's letter of the 1st instant, unfortunately too late in the evening of that day for immediate transmission to the government of the United States.

At the interview with which I was honored by your lordship on that morning, I felt it my duty to recapitulate, summarily and with entire frankness, the circumstances which impelled me to waive the dilatory form of written communication, in favor of prompt verbal representations; circumstances, as I conceived, giving to the actual relations of our two countries an unusual if not a critical gravity.

Your lordship obliged me by an attentive hearing. While abstaining from repeating the detailed considerations then urged, it will be permitted me to say that the despatch received from the Department of State, numbered 103, and dated the 12th of May, 1858, (and of which I subsequently furnished, agreeably to your lordship's desire, a copy,) was read; and I left in the hands of your lordship copies of the consular report, and affidavits connected with the particular case

of aggresion made by the officers of her Majesty's screw gun-boat "Forward" upon the American ship "Cortez." Having yesterday, by the steamer "Vanderbilt," received from Washington a further consular report, with three other depositions, more fully and precisely exposing the character of that outrage, I beg leave to submit copies of the same.

Your lordship's note of the 1st instant will, of course, be forwarded to Washington without loss of time; but under the clear and consistent position heretofore, and for many years, taken by my government, uniformly asserted in instructions to my predecessors and myself, and steadily on every appropriate occasion stated in the correspondence of this legation, in regard to any exercise of an alleged right to stop, detain, visit, or search the merchant vessels of the United States, navigating under the national flag the highway of nations in a time of peace, I feel myself bound in candor to say in advance, and with a faint hope that it may not be absolutely unavailing, that the contents of your lordship's note are not likely to assuage the deep feeling excited among my countrymen by a series of abrupt and violent assaults upon their commerce, and not likely to prove satisfactory to the American Executive.

By the fraudulent prostitution of their flag to cover a trade which, as respects their own citizens, they have subjected to the penalties of piracy, the United States are treated with a licentious insolence to which all nations are equally liable, happily, however, only from the recklessly criminal. To resent, and, if possible, to punish and prevent that insolence, is a duty exclusively incumbent upon their own self-respect; and their exertions to effect that object in every legitimate way, are constant, unwearied, and sincere. But can it be pretended for a moment that the wrongs thus inflicted by conspirators and outlaws should constitute a motive for the American government to yield their equality among nations, to forego their acknowledged rights under the laws of nations, to subject voluntarily their commerce to a foreign maritime police, and so surrender their flag to the double indignity of misuse by the wicked and challenge by the strong?

The President cannot doubt the solicitude of her Majesty's government to preserve unimpaired the friendly relations of the two countries; but he will, I fear, perceive in your lordship's note no features more promising to the future than those which for the last twenty years have proved, unhappily, ineffective. He has expressed an "*earnest desire,*" at a moment of almost universal excitement among his countrymen, that the practice of detaining and searching American vessels should be "*discontinued;*" but he has failed to obtain from your lordship more than the assurance of fresh instructions from the board of admiralty to British naval commanders that the "*duty in regard to the suppression of the slave trade*" should be carried out, not by "*discontinuing*" the practice so deeply painful to the American government and people, but "*in a manner as little calculated as possible to give occasion to such complaints as those made by General Cass.*" Your lordship, in whose just and liberal sentiments unlimited reliance is placed, will, I am sure, pardon me for suggesting that this answer

may probably be appreciated as offering a palliative only for trespasses whose "discontinuance" is not promised?

Renewing to your lordship the assurance of my highest consideration, I have the honor to be your most obedient servant,

G. M. DALLAS.

Lord Malmesbury to Lord Napier.

FOREIGN OFFICE, *June* 4, 1858.

MR LORD: I have received your lordship's despatch, No. 17 of this series, of the 11th ultimo, transmitting copies of a note and its enclosures, addressed to you by General Cass, complaining of the proceedings of the commander of her Majesty's ship "Styx," in bringing to and boarding the American merchant vessel "N. B. Borden," off the coast of Cuba, and in reply I have to instruct your lordship to state to the American minister that inquiries will be immediately made respecting the occurrence of which his excellency complains.

Although it is notorious that the American colors are often hoisted by vessels which have no right to bear them, and whose assumption of that nationality can only be detected by due investigation, her Majesty's government would regret if the attempt to put an end to such a fraudulent adoption of the American flag should entail inconvenience on those who are entitled to carry it, or cause loss or annoyance to those who are engaged in legitimate trade.

The verification of the flag by the production of a ship's papers would scarcely appear to lie open to any such objection, and in such an opinion the American government must be considered to coincide, as it appears from the report of the commander of the United States ship "Dale," to the commander-in-chief of the American naval forces on the coast of Africa, communicated to the Senate by the President, in answer to their resolution of the 19th of January, 1858, that the right of visit for the purpose of verifying the flag is one which they have themselves asserted and enforced.

And you will inform his excellency that the commanders of British cruisers, who, in the execution of their duty, may have to ascertain the right of merchant vessels to hoist particular colors, are most strictly enjoined to perform that duty with all due courtesy and consideration.

Mr. Dallas has laid before me some papers, being affidavits made before United States consuls, upon these subjects, and he does not appear satisfied that I have not, at once, made some positive declaration with respect to the charges therein contained, and to the future action of her Majesty's government.

You will explain to General Cass that, as we have only received these *ex parte* depositions, her Majesty's government must, in common justice, first await the result of the investigation which they have instructed the proper authorities to make on these unfortunate occurrences, and that her Majesty's government, ever anxious to maintain the most friendly relations with the United States, will always adhere

strictly to international law, and to the terms of their treaties with that state, and visit with their displeasure any public officer who ventures to infringe them.

I am, with great truth and regard, &c.,

MALMESBURY.

You will read this to General Cass, and leave his excellency a copy.

M.

The LORD NAPIER, *&c., &c., &c.,*

Commander Peel to Vice-Admiral Sir Houston Stewart.

[Extract.]

"BUZZARD," AT SEA,
Lat. 23° 12′ *N.*, *Long.* 80° 5′ *W.*, *June* 5, 1858.

On the afternoon of the 2d of May, on my way to Lobos cay, for the purpose of landing there materials for erecting a light-house, I observed a large vessel lying just inside the white water, and supposing the vessel to be on shore, I immediately bore up for the purpose of rendering assistance, had it been required. On closing the vessel I hoisted colors and anchored near her, distant about four hundred yards, she being from two to three miles outside any cay, and at a very unsafe and exposed anchorage. The vessel having hoisted no colors, I sent a boat on board to ask the master if he would hoist them; he, in a most insolent manner, refused. The officer then returned to the "Buzzard" and reported to me what had occurred. I then went on board the vessel myself, accompanied by Mr. Akaster, master, when the refusal to hoist colors was still persisted in, and I was told by the master of the merchant ship that "if I wanted to see them I had better go aft and see them on the deck." This I, of course, declined doing. I then said: "As I see no Spanish flag on any cay, nor any Spanish authority to whom I can report you, I consider it my duty to make you hoist your colors;" which, after a great deal of demurring, was done. She proved to be the "Clarendon," of New York.

Commander Peel to Sir Houston Stewart.

[Extract.]

HER MAJESTY'S STEAMER "BUZZARD,"
June 9, 1858.

The ship "Clarendon" was in no port whatever; the officer never proceeded to the cabin or went off the quarter-deck. He did not command, but civilly asked for the colors to be hoisted; the papers were never asked for. The "Buzzard" never fired either blank or shot near or at the "Clarendon." Captain B., as he is called in the paper, never

asked me to go into the cabin, and no officer of the 'Buzzard' ever moved an inch abaft the mainmast. I had no pistol, nor any arms besides my sword, which I never attempted to draw. No force was used, nor did any foremast-man of the 'Buzzard' ever go on board the said ship."

Mr. Cass to Mr. Dallas.

No. 114.] DEPARTMENT OF STATE,
Washington, June 17, 1858.

SIR: I herewith transmit to you for your information the copy of a communication of the 9th instant, addressed to this department by the vice-consul general of the United States at Havana, touching the late British aggressions upon our commerce in that quarter.

I also enclose herewith a copy of the resolution which passed the Senate on the 16th instant, respecting the pretension of the British government to search the vessels of the United States upon the ocean in time of peace, for any purpose whatever. They met the unanimous concurrence of that high body, and express the universal sentiment of the American people. The immunity of their merchant vessels upon the high seas will be steadily maintained by the United States under all circumstances, as an attribute of their sovereignty never to be abandoned, whatever sacrifices its protection may require.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq.,
&c., &c., &c.

[The consular despatch referred to is to be found in its chronological order.]

Mr. Dallas to Mr. Cass.

[Extracts.]

No. 111.] LEGATION OF THE UNITED STATES,
London, June 18, 1858.

SIR: The note and annexes of which I herewith transmit copies were received by me late last evening from the Earl of Malmesbury. They apply to the case of the schooner "Cortez," searched and seized on the 16th of April last, on the north coast of Cuba, by Lieutenant Commanding Henry Davies, of the British gunboat "Forward," who is believed to have also chased and fired at the American brig "A. A. Chapman" on the 9th of April, and to the proceedings of Commander Vesey, of the ship "Styx," supposed to have been the officer who

repeatedly fired at, overhauled, and boarded the American schooner "Mobile," Howes master, as she was coasting, heavily laden with cotton, from Mobile to New York.

These documents, instead of confuting, would seem to confess a zeal of British maritime police for the suppression of the slave trade, which broke entirely through every consideration attached to the nationality of the flag or the vessel. You will observe that Commodore Kellett, writing to the admiralty from the "Imaum," at Jamaica, on the 26th of May, 1858, says that the Havana newspapers questioned the legality of the seizure of the "Cortez;" "but," adds the commodore, "the advertisements show that she was fully equipped for the slave trade;" a fact which he doubtless conceived, according to his orders, to justify the capture, no matter what flag or what papers she carried.

Commander Vesey, whose solicitude to vindicate his own course of action weaves together all sorts of plots, rumors, and anticipations, and who even goes so far as to insinuate, what he admits that he cannot undertake to prove, "something discreditable to Lieutenant Almy," frankly states, "we are obliged to bring to many vessels of that nation, (the United States,) otherwise our cruising would be more than useless;" and "the masters of American merchant ships are refusing even to hoist their colors;" "I always insist on its being done—firing blank cartridge to enforce it, and in cases where I have reason to suspect the vessel I examine her papers." Here is exposed and vaunted the insufferable practice, in contempt of American rights, whose discontinuance has been demanded and finally agreed upon.

These documents, it appears to me, can only bear upon the question of the amount of redress to which those may be entitled who have suffered under an admittedly false interpretation and violent breach of international law. And in this respect exclusively you will allow me to remark that of the four cases recently transmitted to me, the "Cortez," the "A. A. Chapman," the "Tropic Bird," and the "Mobile," one only, that of the "Cortez," bears features of aggravation in the representations of the claimants, while the three others passed off, with insult, it may be, but with little or no injury to person or property. The report of the United States consul at Havana suggests that it is competent to himself personally to establish the existence and authenticity of the American papers of the "Cortez." If that be so, then it would be well that his statement to that point, with all just particularity, should take the form of solemn and positive affidavit.

I notice in the newspapers received at this legation from the United States allegations that as many as thirty or thirty-five aggressive outrages upon our commerce by British cruisers have occurred within the last two months on the Cuban coast and in the Gulf of Mexico. I presume that the great body of these cases are being the subjects of inquiry, and that, when detailed circumstances of fact and injury are ascertained, you will instruct me to present them to the British government. * * * * * * *

The speech of the Bishop of Oxford, in the House of Lords last night, on presenting a Jamaica petition, to which I attentively listened, gave the Earl of Malmesbury another opportunity to recur to the

relations with the United States, and his remarks were more exact and explanatory than those made on the 8th instant. I send you a slip report, cut from the "Times" of this morning. For once the "*law officers of the crown*" have upheld the American interpretation of international law.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *June* 17, 1858.

SIR: With reference to the letter which I had the honor to address to you on the 7th instant, I now beg leave to transmit to you the accompanying copies of letters from Commodore Kellett and Lieutenant Davies, which have been communicated to me by the board of admiralty, relative to the capture of the schooner "Cortez" by her Majesty's gunboat "Forward."

I also beg leave to enclose an extract of a letter from the commander of her Majesty's ship "Styx," reporting his proceedings on the coasts of Cuba, and containing information respecting the Cuban slave trade, and the use which is made of the American flag to carry on this traffic.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

G. M. DALLAS, Esq, *&c.*, *&c.*

No. 21.

"IMAUM," (at Jamaica,)
May 26, 1858.

SIR: I have the honor to transmit herewith, for the information of my lords commissioners of the admiralty, copy of a letter from Lieutenant Henry Davies, commanding her Majesty's gunboat "Forward," detailing the circumstances of the capture of the schooner "Cortez" off the north coast of Cuba on the 16th April, and to acquaint you that the said schooner was condemned in the vice admiralty court at Jamaica on the 14th instant, being fully equipped for the slave trade.

By the Havana papers, there appears to be some question as to the legality of the seizure of this vessel; but, by the advertisements enclosed, their lordships will see that she was *fully equipped* for the slave trade.

I have, &c.,

HY. KELLETT,
Commodore.

The SECRETARY *to the Admiralty.*

H. M. GUNBOAT "FORWARD,"
Port Royal, May 26, 1858.

SIR; I have the honor to report that, when cruising off the Havana on the 16th of April, at 5 a. m. I sighted a topsail schooner, about six miles on the lee-quarter, standing towards us.

I continued on the same course until she neared us, to three miles on the lee-beam, when I kept away and got up steam. During this time the schooner made sail, manœuvred, altered course frequently, and was so suspicious in appearance that I determined upon boarding her. After a chase of one hour and a half, I hoisted the English colors and fired a blank gun—chase showed American colors, and hove to.

She proved to be the "Cortez," from Havana. Upon boarding her, a person represented himself as the master, and showed me some papers, which I considered to be irregular; but he refused to deliver them into my hands. The crew rushed and hauled the flag, and destroyed the papers. I then, as previously, informed them that I intended to take them to an American man-of-war, when they all denied their being of any nation, also the existence of any papers.

The papers that had been shown to me were observed to have been thrown into the sea by Daniel Wakeham, and could not be recovered. No papers were found during the search for them, which immediately occurred, therefore I detained her. On searching the vessel, I found her fully equipped for the slave trade.

The nature of the papers could not be ascertained, as the person representing himself to be the master would not give me more than a glance at them before destroying them. No one would acknowledge to be the master after detention.

I then put Mr. Rowlett, second master of her Majesty's steamer "Forward," on board, with a crew, and sent her for adjudication to Jamaica.

I have, &c.,

HENRY DAVIES,
Lieutenant Commanding.

Commodore KELLETT, *C. B., Jamaica.*

MAY 25, 1858.

For sale by public auction, at the wharf of Messrs. De Pars, Albergas & Mitchell, on Friday, May 28, instant, at 10 o'clock, the several articles undermentioned, being the cargo of the schooner "Cortez," nation unknown, seized by her Majesty's steamer "Forward," and condemned by the vice admiralty court for having been engaged in the slave trade:

78 quarter-casks and
10 hogsheads of rum, and
2 barrels of sugar,
} In bond, for exportation only.

1 hogshead and three quarter-casks red wine.	1 box vermicelli.
1 octave wine.	7 barrels beef.
2 octaves vinegar.	6 barrels pork.
70 barrels rice.	5 muskets.
51 barrels red rice.	1 bag bullets.
2 barrels and 12 bags peas.	33 tin buckets.
3 sacks salt.	6 wooden buckets.
7 kegs lard.	1 barrel herrings.
3 bags tobacco.	1 box sago.
2 bags corn.	1 box medicines.
1 bag sarsaparilla.	1 keg nails.
1 bag wooden spoons.	1 iron boiler and frame complete.
5 drums codfish.	98 water casks.
3 barrels wheat flour.	1 lot firewood.
10 boxes salad oil.	3,091 feet lumber.

Terms of sale: A deposit of £25 per cent., to be forfeited in case of non-completion of the contract, and payment of the balance within six days of purchase previous to removal.

HENRY MAXWELL HALL,
Marshal of the Vice Admiralty Court of Jamaica.

Extract of a letter from Commander Vesey, of her Majesty's steamer "Styx," dated Havana, May 7, 1858.

On the 27th of April I had the honor of writing by "Forward" to inform you that I had taken the "Buzzard" under my orders. I have since seen Commander Peel, and find that he will not have finished at Lobos before the 20th of this month, as the vessel with stores had not arrived from England.

After that date the "Buzzard" will cruise between Bahia Honda and Cape Antonio, and I have directed Commander Peel to purchase sufficient bread at Matanzas to last out his other provisions.

In this island the slave trade is being carried on with the greatest activity, the large price given for slaves (from $1,500 to $2,000) offering every inducement to risk capital. Numbers of vessels are fitting at Havana, and I believe, also, that there are many at Sagua, Cardenas, and the other small ports. In Havana one company alone owns fifteen vessels: the schooner "Cortez," taken; brigantine "Mary Elizabeth," bark "Venus," brigantine "St. Andrew," a fore-and-aft schooner, and a black bark with skysail yards, being among the number.

They employ an American called A. T. Smalley to purchase their vessels at New York, and I expect him down soon with one. On his arrival another American is put in as master, and clears for Annabona, on the coast, with passengers and cargo.

The sealed letter, custom-house clearance, and charter party are in the same handwriting, and are forged. The passengers are the

Spanish captain and crew, who only look after the slaves, as the Americans navigate the vessel. The cargo is for slaves, the ground tier being water casks, and the upper generally aguardiente. This is the plan with this company, and I dare say the others pursue one somewhat similar. Single slavers are never fitted out, the risk being too great; but they calculate on great profits by running one clear out of a certain number. Mr. Cabayas, the shipchandler, supplies all slavers fitting out at Havana, and officers going to that place ought to be on their guard against him, as he is always seeking to obtain information about the cruisers. East Regla is the fitting ground at Havana.

Slavers, when leaving Havana, stand right over to Key West, and then work up along the Florida reefs, keeping close into the white water till they get to Carysfort reef, when they consider themselves safe; they then pass round the Matinilla reef into the Atlantic. As far as I can learn, homeward-bound slavers have a landing place named each side of the island, that they may take advantage of circumstances.

These places vary, but slaves are generally landed at the east and west ends, among the keys in the old Bahama channel. The most favorite place is between the Isle of Pines and Cape Antonio, Cortez bay in particular. The "St. Andrew," coming home in about two months with a cargo of 600, will land either at Sierra Morena, on the north side, or between Siquanea bay and Cape Antonio.

This vessel left Havana the same morning as the Brunswick. The United States steamer "Fulton" went out at the same time, and kept between the "Brunswick" and "St. Andrew," (which vessel was under American colors.)

I cannot undertake to prove that Lieutenant Almy knew what the "St. Andrew" was.

On the 12th and 16th of last month two vessels landed slaves at Ortegoza, near Bahia Honda, the civil guard helping to dispose of the cargo. On the 27th a ship offered $40,000 to the authorities at Bahia Honda for permission to land, which was refused. An abandoned schooner has also drifted on shore, having evidently had slaves on board, and a vessel arrived yesterday having landed her cargo. These cases have been represented to the captain general by her Majesty's consul general, and are now under investigation.

I have now some important information to communicate to you, and whilst doing so, beg to say that, though I fully believe it myself, yet I may have been deceived, and therefore would caution any officer against acting upon it too hastily, as the consequences of a mistake would be most serious. The information is as follows:

In about a fortnight a steamer of about six hundred horse-power, will leave a port in the Gulf, and come into Havana, under Mexican colors; her name is the Garcalqua. (?) At Havana Lieutenant Hardy will take command, and she will leave the harbor under Mexican colors, but when outside will hoist an American ensign and broad pennant, having her men dressed in white, and passing as an American man-of-war.

This man Hardy is said to be a desperate character, and to have for-

merly commanded the United States ship "Preble." He was cashiered during the Mexican war for having called out one of the American generals, and has a commission signed by President Polk. His commission is either false or void, but he walks about at Havana wearing an American uniform, and apparently has plenty of money.

I shall use every endeavor to fall in with this vessel and capture her, but as she may escape, I think that information ought to be sent to her Majesty's cruisers on the west coast of Africa. I cannot find out to what port she is going, but from the line to the Congo is the most likely ground for her to take.

This scheme is so bold as almost to appear incredible; but slaves must be had in Cuba, and I told you, sir, before, that at Havana I had stood by a slaver whose flying-boom was pointing to the custom-house door.

That vessel was the "Cortez," taken by the "Forward," on information furnished by me to Lieutenant Davies.

As most of the slavers, regarding whom we have information, run under American colors, we are obliged to bring to many vessels of that nation, otherwise our cruising would be more than useless. This has given great offence to the American press; and on the strength of their leading articles the masters of American merchant ships are refusing even to hoist their colors to us, declaring that we have no right to make them do so. I always insist on its being done, firing blank cartridge to enforce it; and in cases where I have reason to suspect the vessel, I examine her papers, always offering to note it in the log. This is always refused; the master declaring that he will report us, and generally most abusive language is used to the boarding officer.

You will perceive, sir, that these circumstances place the commanders of her Majesty's cruisers in a most delicate position.

I may conclude by stating my belief that in six months all slavers will be running under American colors, and I enclose a list of those suspected, to prove that what I say is well founded. I have just received a communication from her Majesty's consul general, informing me that the captain general of Cuba has remonstrated against the pinnace of her Majesty's ship "Buzzard" going into Sagua harbor and examining vessels in Spanish waters. Also, that a Spanish war steamer is about to start immediately for that place.

I shall send Commander Peel instructions to withdraw his boat immediately.

List of vessels suspected of being engaged in the slave trade.

Brigantine Maria Tubon, of Bucksport; American; red streak, green house on deck abaft; fitting at Rio Sagua.

Brigantine Mary Elizabeth; American; has sailed; black, with red streak; brown house abaft; deep; captain American; has four Spanish passengers; papers forged in the same handwriting.

Bark Venus; American; painted ports; captain a Dutchman; has a sealed letter with name of vessel, and directed to Annabona; has about 30 persons, four of them Spanish passengers with passports;

sealed letter and custom-house clearance, also charter-party in same handwriting forged ; crew ought to be mustered. Captain has been in California chain gang.

Schooner Baltimore ; fore-and-aft rig, with a house abaft ; American; black; with a red streak; captain a tall American.

Brigantine St. Andrew ; American; expected in about two months.

Bark with skysail yards, black and rakish.

Schooner Blooming Youth; fore-and-aft rig; American; black, with yellow streak.

Brigantine William Montague ; American; 167 tons.

Topsail schooner Brownsville ; American; trunk house abaft; very rakish.

Polacca brig ; black mastheads, red streak, probably Spanish colors.

Bark ; black, with red streak.

Schooner Cortez; taken; had American colors.

[Extract from the London Times of June 18, 1858.]

The Earl of Malmesbury said that their lordships had heard the observations addressed to the House by the Right Reverend Prelate, with hereditary eloquence and hereditary feeling on a subject always interesting to this country, and he wished he could say that the subject excited equal interest in other countries. He regretted, however, to say that they were not aided as they might wish to be on this subject by other nations, and this was one of the great difficulties with which they had to contend. [Hear, hear.] With the greatest justice the Right Reverend Prelate laid unmitigated blame on the Spanish government for a long course of breach of treaty and of cruelties to the African natives. If all the despatches written by British governments to Spain on this subject were woven together, he believed they would reach from this country to Cuba itself. All the British administrations, one after another, had done their best to induce Spain to do its duty, and all had signally failed. Spain had opposed what was the most difficult opposition to overcome—passive resistance ; and it was not without very great risk of rupture with other countries that the British government had sometimes endeavored to take measures which appeared to those countries stronger than ought to be taken. The Right Reverend Prelate must recollect that the foreign minister of this country could not act entirely on his own feelings, for this matter involved complications, and also much risk of offence to other countries which were not impressed so strongly as this country on this subject, in respect to which other nations had descended into a sort of relaxation of feeling. He alluded to the system of slavery itself. He did not demur to the doctrines laid down by the noble and learned lord, but as the noble and learned lord had stated that there was a difference between the right of search and visit, he must say that the United States positively, categorically, and constantly had refused to admit the distinction, and the doctrine laid down by the United States was adopted by other countries. Not long ago he endeavored to ob-

tain from all civilized countries some agreement by which British officers might know exactly how far they could go in cases of strong suspicion, and be protected by the agreement. He was anticipated by the French government, which laid down this law, that in time of peace no French ship should be detained, or searched, or boarded, but that certain forms should be gone through without detaining the vessel, which, to a certain degree, might enable the nationality of the ship to be ascertained, and her right to the flag she carried. He had no reason to conceal what he had done since recent events. He had admitted the international law as laid down by the American minister for foreign affairs, though not, of course, without being fortified by the opinions of the law officers of the crown; but, having admitted that, he had put it as strongly as possible to the American government, that when it was once known that the American flag covered the cargo, every pirate and slaver on the face of the sea would carry the American flag; and that instead of the honor of the country being vindicated, that very fact must bring dishonor on the American nation, if an obstinate adherence to its present declarations were persisted in, and the American flag would be prostituted to the worst purposes. [Hear, hear.] He had urged that it was necessary in these civilized times that there should be, if not a right by international law, some agreement among the maritime states as to how far their officers might go to verify the nationality of vessels and the legality of their flags. He earnestly hoped, from the language he had used and from conversations he had had with the American minister in this country, and also from perusing the able paper drawn up by General Cass on this point, that a change of this kind might be agreed upon with the United States, so that by instructions given to naval officers the flag of the country might be verified without the risk of offence. Of course, their lordships would not require him to go more into detail as to the great practical difficulties in the way of the suppression of the slave trade; but he thought a mistake had been committed in sending our squadron to the Cuban waters, instead of keeping it on the African coast. He was told that at the beginning of the Russian war the slave trade was very nearly extinguished, but during that war a great portion of the squadron was withdrawn from the coast of Africa and the slave trade made great progress. It has always been the policy of this and other European states to support Spain in defending the Island of Cuba against any hostile invasion, but he did not hesitate to say in his place in Parliament that if Spain continued to show such an utter want of principle and such base ingratitude to this country, indifference would be exchanged for amity, and instead of taking her part we should leave her to suffer whatever consequences might ensue. [Hear, hear.] The statement of his noble and learned friend as to what had taken place on the coast of Liberia was very nearly accurate. It appeared that a French ship was laden with a number of Africans who were called emigrants, but were to be no more than slaves. They were shackled and manacled, and when the captain was gone on shore they rose and killed every Frenchman on board, except one. An English vessel having heard of the disaster, chased the slaver, and she immediately gave herself up, the persons on board expressing the

greatest joy and pleasure at falling in with an English ship. The French captain, who had been following in his boat, took possession of her, as far as the command went. The French officer on the station claimed the ship and took her out of the Liberian port. It appeared as a matter of law that we were not justified in taking this slaver in Liberian waters without an order issued by the Liberian government, so that the quarrel as it now stood was between the Liberian and French governments, and her Majesty's government would have nothing to say in the matter. He believed that was a correct account of what had been done. He believed the state of the law was as he had described, and her Majesty's present government as her Majesty's late government were using every opportunity to protest to the French government against a line of conduct, which, though it affected to be a system of emigration, could only be called in the language of truth the renewal of the slave trade. [Cheers.]

The Earl of Carlisle rose to express his great satisfaction that this paramount subject had been brought under their lordships' attention. He called it paramount, because there was no other great question remaining so calculated to excite the sympathy and interest of the whole world. He had had an opportunity of seeing some of the effects of importing negroes into the Island of Cuba, and in his opinion it was to the eternal disgrace of the Spanish government that such a system had been so long carried on in that beautiful island. [Hear, hear.] No one would shrink more than he would from saying anything which would complicate or imbitter our relations with the American government. He knew that even such a purpose as the suppression of the slave trade must be carried on with some reference to changing circumstances and conditions, and he felt convinced that, in the interest of suppression, strict care should be taken that we did not exceed the limits of our well-defined rights, or encroach on the rights and prerogatives of others. Still, he felt bound to express his opinion that the countrymen of Clarkson, Wilberforce, and Brougham had already done so much for the suppression of the slave trade, they would never consent to a disgraceful retreat or retrograde course upon this great question. [Cheers.]

Mr. Appleton to Mr. Savage.

DEPARTMENT OF STATE,
Washington, June 18, 1858.

SIR: I transmit herewith an extract from a despatch,* dated June 1, 1858, addressed by the British consul at Charleston to Lord Malmesbury, and communicated to this department by Lord Napier, respecting the "Liddia Gibbs," which vessel sailed from the above-named port, a short time since, ostensibly on a voyage to the West Indies, was subsequently sold at Havana, and proceeded thence to the

* The enclosure referred to appears in chronological order in this correspondence.

coast of Africa, and, as it is alleged, manned by a crew of Americans; and, as it is reported, under the original American papers.

You are requested to furnish this department with all the information which you may be able to obtain in regard to this vessel, and the allegations which have been made against her commander.

Should it appear, after due investigation, that there is "probable cause of belief" that the statements of the British consul are correct, you will lose no time in taking such steps as may be necessary in the premises.

You are referred, for your instruction and guidance, to the opinion of the Attorney General, dated February 12, 1857, which is herewith transmitted.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

THOMAS SAVAGE, Esq.,
United States Vice-Consul General, Havana.

Mr. Dallas to Mr. Cass.

No. 113.] LEGATION OF THE UNITED STATES,
London, June 26, 1858.

SIR: I have the honor to transmit the copy of a letter, and its annexes, addressed to me by her Majesty's principal secretary of state for foreign affairs, and received late last evening.

This communication is designed to urge upon the government of the United States the adoption of certain suggestions represented to have been made by Mr. Blythe, our consul at Havana, to your department, and subsequently referred to in a conversation he held with the British consul general. Lord Malmesbury characterizes these suggestions "as striking at the root of the Cuban slave trade," and requests me "to recall attention to them, earnestly hoping that, by carrying them out, the government of the United States will give a substantial proof of their desire to put a stop to the Cuban slave trade." Lord Malmesbury's note to me is founded upon a despatch, of the 8th instant, from Lord Napier, of which he furnished a copy.

Without further knowledge than these papers impart of the course, on this subject, pursued at the department, and of the views there entertained, I restrict myself, while forwarding the documents, to one or two remarks which have occurred to my own mind.

1. The stipulations of the Webster-Ashburton treaty of 1842 must, of course, in good faith be vigorously fulfilled. They are limited, however, to the maintenance of a squadron of eighty guns on the coast of Africa, and to making all becoming representations and remonstrances for the close of such slave markets as are allowed to exist in the dominions of other powers, and by which the suppression of the slave trade is rendered impracticable.

2. If the United States steadily, on their part, execute the terms of this conventional arrangement, can they reasonably be called upon to go further? They never have affected, and do not now affect, to feel any national hostility to the permanent form of compulsory negro labor; it is the slave trade only which their Constitution impliedly condemns, and their legislation punishes as piracy. Is there not something savoring of intrusion or encroachment when, notwithstanding what they have done, and notwithstanding the notoriety of their domestic sentiments and differences upon this topic, they are persistently pressed by a government claiming to be the van of universal abolitionism, to advance another step? Is it considerate or respectful to invite them to pick away, bit by bit, the foundation of their federal Union?

3. The powers with which the American government are asked to clothe their consul at Havana are extensive, delicate, and new. They are to be exercised over the transfers of private property and in the visitation of vessels. He has never before possessed or practiced them. They can scarcely be reconciled with the freedom and sensitiveness of commerce. At all events, in view of the course heretofore pursued, in fixing, enlarging, or abridging the duties and powers of our consuls, it may be doubted whether they can consistently be conferred without legislation.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *June* 24, 1858.

SIR: I have the honor to transmit to you the accompanying copy of a despatch which I have received from Lord Napier, her Majesty's minister at Washington, enclosing an extract of a private letter addressed to his lordship by her Majesty's consul general in Cuba.

It will be seen from these papers that Mr. Blythe, the United States consul at Havana, has represented in the strongest terms to the Department of State at Washington the objectionable practices of American citizens in connexion with the Cuban slave trade, and that he has suggested measures calculated to correct the evils attending the fraudulent transfer of American vessels to Cuban slave traders; and, further, that he has demanded authority to visit all ships under the United States flag suspected of being engaged in the slave trade.

But you will see, also, from what passed at the conversation between her Majesty's minister and General Cass, that no steps have been taken for giving effect to the suggestions of Mr. Blythe, or to furnish him with the authority which he asked for, of inspecting American vessels.

The subject, however, is one of so much importance, as striking at the root of the Cuban slave trade, that I request you will be good

enough to recall the attention of your government to the communications of Mr. Blythe, and that you will express the earnest hope of her Majesty's government that the government of the United States will give a substantial proof of their desire to put a stop to the Cuban slave trade, by furnishing their consular authorities in Cuba with the power necessary to enable them to prevent vessels that may have been fraudulently transferred to the slave traders from leaving the ports of that island with their American papers and under American colors, and also to enable them to deal with American vessels that may be suspected of being about to engage in the slave trade.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

WASHINGTON, *June* 8, 1858.

MY LORD: I have thought it right to communicate verbally to the Secretary of State the enclosed extract of a private letter from her Majesty's consul general at Cuba, in which he refers to a statement of the late United States consul in that island.

Mr. Blythe affirms to Mr. Crawford that he had represented in the strongest terms to the Department of State the objectionable practices of American citizens in connexion with the slave trade, and that he had suggested measures calculated to correct the evils attending the fraudulent transfer of American vessels in Cuba, demanding at the same time authority to visit all ships under the United States flag suspected of being about to engage in the piratical traffic.

To neither of these applications had he received any answer. General Cass was under the impression that no such remarks had been addressed to him, but, on consulting the Assistant Secretary of State, Mr. Appleton stated he believed that the representations of the consul in regard to the transfer of ships at Cuba had been referred, without any result, however, to the Attorney General, and in reference to the power of inspecting vessels nothing had been done, General Cass being under the impression that the American consul had authority, in conjunction, at least, with the local police, to visit suspected vessels of his country in Spanish ports.

I have, &c.,

NAPIER.

The EARL OF MALMESBURY, *&c.*, *&c.*, *&c.*

Extracts from a letter from Consul Crawford to Lord Napier.

HAVANA, *May* 22, 1858.

"Consul Blythe, (of the United States,) who has just left this, informed me that he had in the strongest manner represented these objectionable practices of his countrymen to his government. He had

asked that American vessels sold here should not be allowed to reta[illegible] their American registers, but should be obliged to give bond to t[illegible] consul's satisfaction, even if sold here to an American citizen; th[illegible] leaving Cuba under a sailing letter, they should proceed to a port the United States to be registered *de novo*.

"He also aked for authority to visit all American vessels which might have reason to suspect as being about to engage in slave tradi[illegible] whilst in port and previous to their putting to sea; but to neither these applications did he receive any answer, and so he had no a[illegible] thority to interfere with or hinder the abuse of the American flag its being devoted to the purposes of slave trading, which he saw w[illegible] going on to an almost unlimited extent."

Mr. Cass to Mr. Dallas.

No. 116.] DEPARTMENT OF STATE,
Washington, June 29, 1858.

SIR: Referring to your despatch No. 102, of the 11th ultimo, I herewith transmit to you, for your information, the copy of a letter of the 23d instant, addressed to this department by John A. Machado, esq., of New York, relative to his claim against the British government in the cases of the "Thomas Watson" and the "Mary Varney."

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

Mr. Machado to Mr. Cass.

NEW YORK, *June* 23, 1858.

SIR: I have had the honor to receive the note of the 26th of May, with which you have been good enough to enclose to me copies of the correspondence between the minister of the United States at London and the principal secretary of state for foreign affairs of the British government, respecting my claim against that government in the case of the "Thomas Watson."

The British secretary, in his note of the 6th of May, with great candor, admits the justice of the claim for compensation, leaving only the question of amount to be determined. He proposes either a reference of the matter to the British consul at New York or to arbitration, very properly observing that her Majesty's government cannot judge of the sum properly due, for the want of vouchers, &c.

I do not think it would be just to refer my interests in the matter to the British consul at New York, because his inclinations would doubtless be on the side of his own government; nor do I think an arbitration in the first instance necessary.

My desire is to furnish in as short a time as possible to the United

States minister at London, to be transmitted through the Department of State, vouchers proving the actual losses I have sustained by reason of the seizure and detention of the "Thomas Watson," and, in addition thereto, prove that, in consequence thereof, my lawful business was broken up and my ruin produced. These facts will present the claim as appealing both to the bare, naked justice of the government of her Britannic Majesty, and also to its equity. The facts will be made so manifest that it is my belief that the minister of the United States and the secretary of her Majesty's government will have but little difficulty in determining the amount which I ought to receive. If, however, those distinguished gentlemen, after considering the vouchers, &c., which I propose to lay before them, should fail to agree upon the amount of compensation or indemnity which I ought to receive, then I should have no objection to them calling in a disinterested third party, and I would respectfully suggest as such party Johnson Bates, esq., of London, a gentleman of high standing and integrity, who was arbitrator or umpire on the adjustment of claims between the United States and Great Britain in 1853.

No mention is made in the correspondence of my claim in the case of the bark "Mary Varney." I propose at the same time that I furnish vouchers, &c., in the case of the "Thomas Watson" to transmit also vouchers, &c., in that case, and it would be very gratifying to me if both cases might be considered at the same time, and that the course suggested in the case of the "Thomas Watson" might also be pursued in that of the "Mary Varney."

I have the honor to be, with high respect, your obedient servant,

J. A. MACHADO.

Hon. LEWIS CASS,
Secretary of State, &c., &c., &c.

Mr. Savage to Mr. Appleton.

[Extract.]

No. 17.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, June 29, 1858.

* * * * * The case of the bark "Paez" (see my despatch No. 63, October 13, 1857) has terminated in the acquittal of Captain George W. Palmer without costs. The Spanish captain was sentenced to six years in the chain gang and the payment of one half of the costs of the trial; the crew to four years in the chain gang, and the other half of the costs. The vessel condemned to be destroyed, but was purchased for the uses of the Spanish navy. Captain Palmer has left for New York, and on arrival will present himself to the United States district attorney.

I have the honor, &c.,

THOMAS SAVAGE,
Vice-Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State of the U. S., Washington.

Mr. Savage to Mr. Appleton.

[Extract.]

No. 18.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 8, 1858.

* * * * * * * * *

Since the date of my last despatch two American vessels have sailed from this port for Africa: the ketch Brothers, of Charleston, James Gage master, and the bark Lyra, of New York, purchased here by said James Gage, and commanded by William C. Dickey. Whatever suspicion I might entertain in respect to the "Brothers," and to the object of her voyage—and I must say it was strong—I could not, however, for want of evidence, prevent her from proceeding to sea. Nevertheless, I notified Captain U. P. Levy, who, with the United States ship "Macedonian," was off the harbor, of my suspicions, that he might overhaul the vessel outside.

The "Lyra" had a sea letter to proceed direct to Key West, there to procure a register and other necessary papers. I called the attention of the commanding officers of the "Plymouth" and "Arctic," in order that they should watch the bark, and see that she actually went to Key West.

The "Water Witch" was here yesterday.

I am, sir, very respectfully, your obedient servant,

THOS. SAVAGE,
Vice-Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State of the United States, Washington.

Mr. Dallas to Mr. Cass.

[Extract.]

No. 115.] LEGATION OF THE UNITED STATES,
London, July 9, 1858.

SIR: * * * * * * * *

I send also the copy of a letter from the Earl of Malmesbury, of the 7th instant, covering the decree of the vice-admiralty court of Jamaica, condemning the schooner "Cortez" as lawful prize to her Majesty's gunboat "Forward" for being engaged in the slave trade. It deserves remark that the capture took place on the 15th of April—the condemnation on the 14th of May—a reasonably rapid proceeding.

I have the honor, &c.,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *July* 7, 1858.

SIR: With reference to the letter which I had the honor to address to you on the 17th ultimo, I now beg leave to transmit to you a copy of the sentence pronounced in the vice admiralty court of Jamaica, in the case of the schooner "Cortez," captured by her Majesty's gunboat "Forward."

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

In the Vice Admiralty Court of Jamaica.

At a court holden at the town of Saint Iago de la Vega, in the Island of Jamaica, on Friday, the fourteenth day of May, in the year of our Lord, one thousand eight hundred and fifty-eight, before the worshipful Bryan Edwards, esq., judge and commissary of the vice admiralty court of Jamaica, lawfully constituted and appointed.

Our sovereign lady the Queen against the schooner or vessel called the "Cortez," nation unknown, her tackle apparel and furniture, and the cargo laden therein, taken and seized by Henry Davies, esq., lieutenant and commander of her Majesty's steam gunboat "Forward."

In pain of parties cited not appearing, Heslop, attorney general, referred to the monition heretofore brought in duly executed, and also to the affidavit of Jabez Henry William Rowlett, second master of and belonging to her Majesty's steam gunboat "Forward," heretofore exhibited and remaining in the registry of this court, and to the application of Henry Kellett, esq., C. B., the commodore and senior naval officer at the time on this station, of date the 12th day of May, 1858, also remaining in the said registry.

The judge, at his petition, having heard the said affidavit read on his motion, as counsel on behalf of her Majesty by interlocutory decree, pronounced the said schooner or vessel "Cortez," nation unknown, her tackle, apparel and furniture, and the cargo laden therein, to have been, at the time of the seizure thereof, equipped for and engaged in the slave trade, and employed in the illegal transport of negroes or others for the purpose of consigning them to slavery, and as such, by virtue of the statute or statutes in such case made and provided, or otherwise subject and liable to forfeiture and condemnation to our sovereign lady the Queen, her heirs and successors, and condemned the said schooner or vessel "Cortez," nation unknown, her tackle, apparel and furniture, and the cargo laden therein, and brought to Jamaica accordingly.

And further, pronounced that the said cargo should be sold, and that the said schooner or vessel should be broken up and be entirely demolished, and that the materials thereof should be sold in separate parts,

as in and by law in such case made and provided, on or after the first day of July, in the year of our Lord 1858, unless, in the meantime, the said schooner or vessel shall be taken into her Majesty's service, upon payment of such sum as the lords commissioners of the admiralty shall deem a proper price for the same, there being at present on this station no officer authorized to determine whether the said schooner or vessel will or will not be required for her Majesty's service.

True copy:

J. DUFF, [L. S.]
Registrar Vice Admiralty Court, Jamaica.

Mr. Savage to Mr. Appleton.

No. 19.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 9, 1858.

SIR: The documents herewith enclosed, to wit: copy of affidavits of three seamen respecting the brig C. Perkins, of New York, and copies of correspondence between this office and the captain general of Cuba and the captain of the port of Havana, will explain my official conduct towards the brig above named.

A register was issued by the custom-house of New York to the brig C. Perkins, of that port, on the 28th day of September, 1857; George Brown, of the city of New York, appearing as sole owner and as master. No certificate appears indorsed or attached to her register showing any change of commander. Her description is as follows: Built at Canwaboro', South Carolina, in 1854; length, 99 feet; breadth, 24 feet 8 inches; depth, 8 feet 1 inch; tonnage, 176$\frac{8}{95}$ths tons; square stern; no galleries, and a billet-head. I understand, however, that she has a figure-head—the figure of a man with a black coat. The register now in my possession bears all the evidence of being a genuine document.

She sailed from this port on or about the 26th of November, 1857; cleared ostensibly for St. Thomas, laden with rum, and it appears, from the evidence I have obtained, that she proceeded to Africa and engaged in the slave trade.

As to the shipping articles and crew list of the vessel, the following are the names appearing thereupon:

George Brown, master.
J. S. Downing, mate, of New York.
Gabriel Domingoes, cook and steward, New Orleans.
G. W. Gordon, 2d mate, New York.
Charles McKenney, seaman, Massachusetts.
John Wilson, seaman, New York.
Charles W. Paul, seaman, New Jersey.
Charles Coffin, seaman, Maine.
William Jones, seaman, New Orleans.
Thomas Brown, seaman, New York.

Very little or no reliance is to be placed on the names or descrip-

tions, for it is notorious that the greater portion of our seamen are shipped under spurious protections.

There is a certificate attached to the *articles* by this consulate, bearing my own signature, showing that the man appearing under the name of Charles W. Paul died in Havana on the 5th of November, 1857. On the crew list there is one certificate signed George Danes, United States consular agent at Sisal, Yucatan, that George Brown, (I presume the person who appeared under that name,) master of the C. Perkins, had presented himself at the agency, reporting the seamen Wilson, Coffin, and Brown, to have deserted there. Then, again, on the *articles* appear the names of Domingo Novell, Joseph M. Irastorza, Juan Simon, and Manuel Maseras, (all Spanish,) shipped before Rafael Preciat, acting United States consul at Campeche, as seamen, on the 15th and 17th of May. These are all the changes appearing on the brig's shipping papers.

It was my intention, if the captain general did not object to my seizing and sending to the United States the brig C. Perkins, to have asked the commander of one of our cruisers for an officer and some men to convey her to Key West, to which place the three witnesses, Martinez, Fucitto, and Majo, had consented to go. I am now endeavoring to induce them to go to New York at the expense of the United States, in order to enable the government to prosecute the parties who stood as sureties for the issuing of the brig's register and shipping papers. The witnesses do not seem inclined to go there. If I cannot succeed in this, I must send them to New Orleans, where the authorities may, if need be, secure them and send them to New York.

The captain general, at an interview upon the affair of the C. Perkins, assured me of his determination to punish the parties concerned in having imported slaves by that vessel.

The operation of raising the hull is going on, and there is every reason to believe that it will prove successful.

I hope my course in this matter will meet the approval of the department, and that the imperfections of this despatch will be overlooked. I have been in the office since six o'clock a. m. to-day, working, without one moment of rest, and it is now about ten p. m. I am quite exhausted in mind and body.

I have the honor to be, sir, very respectfully, your obed't servant,

THOMAS SAVAGE.
Vice-Consul General.

Hon. JOHN APPLETON,
Assistant Secretarg of State of the United States, Washington.

N. B.—I find I have omitted to mention the cargo that the brig C. Perkins cleared with at the Havana custom-house on the 3d instant. It consisted in: 120 pipes of rum, (tafia;) 8 half and 2 quarter pipes (tafia;) 110 sacks of rice; 50 boxes and 10 baskets preserved fruits; 25 barrels pork; 25 barrels lard; 25 barrels dry wine; 25 barrels alcohol; 20 kegs butter; 14 demijohns of gin; 30 hams; 4 boxes refined sugar; 12 boxes paper cigars; and stores of various kinds.

Your obedient servant,

THOMAS SAVAGE,
Vict-Consul General.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Island of Cuba.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America, residing at Havana, personally appeared a seaman, calling himself Luis de Mayo, and, to identify his person, produced to me a landing permit issued to him by the governor of Havana, purporting that the said Luis de Mayo arrived in this port of Havana on the 6th of May last from Vera Cruz. Said appearer, being by me sworn to tell the truth, solemnly declared as follows, to wit: I am a Neapolitan. I embarked on board the steamer "Mexico," at Sisal, as a passenger for Havana. I went to Sisal in an American vessel, the same one in which Francisco Martinez, now present, came with me, and Antonio Fucitto, and others, from Africa. I first joined the said vessel (a hermaphrodite brig) in Havana, on the night of the 25th November last, and on the morning of the 26th we went to sea. I understood I was going to St. Thomas, but instead of St. Thomas she went to the coast of Africa. We put into the island of Annabon to take fresh water; remained there two days, and then went to the coast. The voyage from Havana to the coast occupied two months and twenty days. On arrival there two of the persons who went with us in the vessel landed. One of them was named Agustin Loretto, the other was known on board as *Mosquito;* he was a Portuguese. This last named remained on the coast; the other man returned on board, and is now in Havana. After landing these two persons on the coast the vessel put to sea, and cruised about seventeen days; at the expiration of which, again came to the same place on the coast, where a cargo of negroes, consisting of 533, were put on board. This was on the 1st or 2d day of March of the present year. After the negroes were on board we put to sea, and in about forty or forty-two days arrived off Cayo Sal, where a signal was hoisted; *there* three men came on board. Four days afterwards a sloop came with provisions for the brig. She carried away the best negroes of the lot, some 150 or 160. One of the owners of the expedition was among the three persons that came on board. About three days after a schooner came and carried away the balance of the negroes. When the three men had come on board at Cayo Sal, our brig came in sight of the Moro, of Havana, where two of them left her in a boat to Havana; the other remained on board. Then we proceeded down the coast of Cuba, abreast of Mariel. The transhipment of the negroes was made there. The American captain who commanded the brig from Havana to Africa, and from thence to Cuba, left the brig in the schooner with the last batch of negroes. Then another American captain, who had come in her as passenger from the place where the negroes were shipped, took charge of the vessel, and carried her, with us, to Sisal. There the American mate, who was called on board, Mr. Downs, myself, Antonio Fucitto, Francisco Martinez, and six others went ashore. Fucitto, myself, and Martinez paid our own passages from Sisal to Havana in the steamer Mexico. Francisco Martinez, now present, joined the brig at the place where the negroes were shipped in Africa, and he was the cook

for the negroes on the passage. When the negroes had been transhipped, I was paid on board the brig twenty ounces by a Spaniard called Don Pancho. I have not seen him in Havana, but know where he lives. I have been several times to his house to try to see him, but was invariably told he was not in. I am informed the brig is now in Havana. I have not seen her here, but have seen her present master almost every day. I saw him yesterday afternoon.

LUIS DE MAYO.

In witness whereof, the said appearer hereto subscribes his name; and I, said vice-consul general, hereunto set my hand and affix [L. S.] the seal of my office, at Havana, the 5th day of July, A. D. 1858.

THOS. SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 7, 1858.

I do hereby certify that the copy of three affidavits appearing on the three preceding pages of this sheet, and on the two sheets hereto annexed, is a true and correct copy of the originals on file in this consulate.

Given under my hand and official seal, at Havana, on the day and year above written.

THOS. SAVAGE,
Commercial Agent in charge of the Consulate General.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Island of Cuba.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America, residing at Havana, personally came and appeared a seaman who gave his name to be Antonio Fucitto; and the said person, being by me sworn according to law, solemnly declared as follows, to wit: I am a native of Naples. I came here on the 6th of May in the steamer "Mexico" (a Spanish vessel) from Sisal. I came to Sisal in a hermaphrodite brig, under American colors, called the C. Perkins. I joined the said brig at Havana, and sailed on or about the 26th of November, 1857. I did not sign any shipping articles. I went in the capacity of sailor before the mast. The brig proceeded direct from Havana to Africa, although her captain had told me in Havana that she was going to St. Thomas. On arrival at a place on the coast of Africa, name unknown to me, two persons who had gone in her from Havana went on shore. The vessel put to sea again, and some seventeen days after returned to the same place on the coast of Africa, when a cargo of negroes was taken on board; about one day and a half was occupied in taking the negroes in, when she went to sea and came to the coast of Cuba, where the negroes were transferred to two small vessels (a schooner and a sloop.) The American master who commanded the C. Perkins from Havana

to Africa, and back to Cuba, left her with the negroes and transferred himself to the schooner; then another American captain, who is now here in Havana in charge of the brig, who had been made prisoner on the coast of Africa, and who came on board the brig at the place where the negroes were taken in on the coast, took command (after the departure of the former master,) and the vessel was taken to Sisal where myself and eight other men were sent ashore. Francisco Martinez, who is now present, came on board the brig in Africa, and cooked for the negroes on the passage; he was discharged with me at Sisal. I was paid twenty Spanish doubloons for my services. This payment was made to myself and the rest of the crew on board the brig C. Perkins, on the night when the negroes had all been sent ashore, by a person called Don Pancho, who came on board with the money. The captain now in charge of the brig had himself three negroes on board, whom he sold for forty doubloons free of freight to Pancho.

his
ANTONIO × FUCITTO.
mark.

Witness to his mark,
J. P. C. THOMPSON.

In witness whereof, the said appearer hereto subscribes his name; and I, the said vice-consul general, hereunto set my hand and [L. S.] affix the seal of my office, at Havana, the fifth day of July, A. D. 1858.

THOS. SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES,
Island of Cuba.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America, residing at Havana, personally came and appeared Francisco Martinez, a Portuguese, who, being by me sworn according to law, solemnly declared as follows, to wit: I have been now in Havana about two months and a half or nearly three months. I came in the Spanish steamer Mexico from Sisal, and there left the American brig C. Perkins. I went in the said brig C. Perkins to Sisal. I joined her in Longo Bongo, on the coast of Africa, about twenty miles to the leeward of Loango. She then had on board five hundred and thirty-three slaves. We left Longo Bongo about four months and a half ago for Cuba. On arrival off Mariel the negroes were transferred to a schooner and a sloop which were to take them ashore. I cooked for the negroes all the passage from Africa. The master of the brig was then George Brown, an Englishman by birth; he left her and went off with the negroes. The person now in command of the vessel came as passenger in the brig from the coast of Africa. After the negroes were sent away the present master, or person having now charge of her, took command of the brig to take her to Sisal. On arrival there the crew and myself (excepting the American portion of the crew) left the brig. The person now in

charge of the C. Perkins was ashore in Longo Bongo, his vessel having been captured by a British cruiser, and he had come from the Congo. He went on board the C. Perkins the same morning with me. The vessel sails under American colors, but I am certain she is not owned by Americans; and I believe her owner is Don Francisco Durañez, who has a provision store next to the bakery in the Plaza San Francisco, in Havana; at any rate he was the person that paid off the crew, and paid me ten ounces as a remuneration for my services as cook on the passage for the negroes.

his
FRANCISCO × MARTINEZ.
mark.

In witness whereof, the said appearer hereto subscribes his name; and I, the said vice-consul general, hereunto set my hand [L. S.] and affix the seal of my office, at Havana, this 3d day of July, A. D. 1858.

THOS. SAVAGE.

Commander Hartstene, United States navy, commanding United States steamer "Arctic" was present at the taking of the foregoing, and saw the witness make his mark, said witness having positively asserted that he could not write.

THOS. SAVAGE.

[Translation.]

ROYAL PRETORIAL AUDIENCIA OF HAVANA (SUPERIOR COURT OF JUDICATURE.)

Don Joaquin Gussiñer, clerk (secretary) of the "Real Audiencia Pretorial," etc.

I hereby certify that the "Oidor" (one of the justices) Don Francisco Duran y Cuervo, commissioned by his excellency the governor president to institute summarial proceedings in order to ascertain if the American brig C. Perkins was bound, prepared, and ready to go to the coast of Africa upon a voyage after bozal negroes, has been pleased to ordain, in a decree dated yesterday, that by a first edict and summons be cited, called, and summoned Don Francisco Durañona (alias) Caña Brava, Mr. George Brown, master of the said Perkins, and Jaime, called the Catalan, her second mate, to the end that within nine days after the date of the last advertisement they shall present themselves in the royal jail of this court, and clear themselves of the culpability resulting against them in said cause, being certain and sure that they will be heard and justice administered to them if they should do so; otherwise, they will be declared rebellious and contumacious, and as having incurred the penalties of the law.

And for the publication thereof in three consecutive numbers of the Official Gazette, I issue these presents by order of said *Oidor*.

HAVANA, *August* 3, 1858.

JOAQUIN GUSSIÑER.

[Translation.]

OFFICE OF THE ADMINISTRATOR GENERAL OF ROYAL MARITIME REVENUES.

To-morrow, twenty-eighth instant, at 6 o'clock a. m., you will please proceed to unload the American brig Perkins, so far as necessary to ascertain all the goods on board, and to compare them with the permits of embarcation issued from the custom-house. You will first draw a statement of the actual condition of the ship and of such goods as are lying on deck, and then discharge all such goods that cannot remain on board, either on account of their nature or of their preventing from ascertaining the balance of cargo still on board. The goods thus discharged shall be taken to the mercantile depot, should it be possible to have them received therein; those that are excluded from the depot by regulations shall be brought where you will deem it most proper for the conservation and keeping thereof, until the survey of the vessel is closed, when they shall be taken aboard. I have appointed officer Manuel Gastelumendi to assist you in the discharge of these duties, and, on his part, the commander of the revenue guards will appoint a deputy belonging to that corps. You shall have, besides, at your disposal an overseer with his gang for unloading the goods and taking them to the depot. I have only to add that the commercial agent now in charge of the United States consulate general wishes to be present at said operations. Therefore you shall not commence the same until he arrives at the place where the vessel is hauled to. God preserve you many years.

HAVANA, *July* 27, 1858.

BONIFACIO CORTEZ,
Senior Inspector of Wharves and Harbor.

In the ever-faithful city of Havana, on the 28th of July, 1858, by virtue of the communication from the administrator general of maritime revenues, at the head thereof, the persons therein named being assembled, viz: Don Ignacio Alvarez y Urrutia, inspector of wharves, warehouses, and harbor; Don Pedro Castellanos, a lieutenant of the revenue guards; and Don Manuel Gastelumendi, an officer of the custom-house, with the presence of Thomas Savage, esq., the chargé of the United States consular general, we went on board the American brig C. Perkins, which has been hauled; the consignee thereof wishing neither to be present to this act, nor having appointed anybody to represent him. This operation was commenced. And we found that the vessel has no hatchways; she had on deck two pipes and four half pipes, empty; one half-lighter load of wood; her sails and other riggings of the vessel all in disorder; the cabin broken; also part of the beds and panels; with a leakage of the provisions that were therein turned into mud. And there being more than ten inches of water, we ordered the vessel to be unloaded, in order that we might be able to ascertain the effects in the hold, where all the goods belonging to the provisions were lying in a state of putrefaction; and for

this reason, and it being now rather late, this operation was put off, and the persons composing this commission signed.

IGNACIO ALVAREZ Y URRUTIA.
THOMAS SAVAGE.
PEDRO CASTELLANOS.
MANUEL GASTELUMENDI.

On the twenty-ninth of the same month and year the persons appointed on this commission and the chargé of the United States consulate general being assembled, and being accompanied by health officer Don Francisco de Orta, the provisions on board were ascertained; and said officer set aside the following as injurious to the public health, on account of their state of putrefaction, ordering them to be thrown overboard, which was verified with the knowledge of the captain of the port, consisting in the following effects:

4 barrels of potatoes; 21 barrels of corn flour; 4 barrels of wheat flour; 1 sack of wheat flour; 1 barrel of onions; 10 barrels of fish; 8 barrels of meat; 1 barrel, which had contained tar, empty; 1 barrel butter; 1 sack picadura—tobacco scraps; 1 sack rice; 2 boxes for sugar, empty; 1 barrel biscuits.

Which operation lasted until after four o'clock p. m., when this act was suspended, to be continued the following day, and we signed.

IGNACIO ALVAREZ Y URRUTIA.
DON FRANCISCO I. DE ORTA.
THOMAS SAVAGE.
PEDRO CASTELLANOS.
MANUEL GASTELUMENDI.

On the thirtieth of the same month and year, and in the presence of the persons appointed, it was proceeded to the reckoning of the effects in the hold and deck, and which were the following:

58 pipes of sweet water; 18 half pipes of sweet water; 3 half pipes of aguardiente (rum;) 5 half pipes red wine; 1 pipe red wine; 13 barrels of beef, which seem to be good; 1 cask, with plates and tin jugs; 1 quarter cask of lard; 1 large caboose and its caldron; 151 pine boards, with 3,555 feet; 20 scantlings, pine, with 755 feet.

On deck.—14 pipes, empty; 4 half pipes, empty; and effects corresponding and belonging to the rigging of the vessel.

As the effects that remain on board are such that cannot be admitted in the deposit, I think it more proper to leave them in the vessel until you have resolved otherwise. I call your attention most particularly to the bad condition of the vessel, which is leaking very much, and if there be not persons to unload her, she must founder; wherefore this act was concluded, and the commissioners signed.

HAVANA, *July* 30, 1858.

IGNACIO ALVAREZ Y URRUTIA.
THOMAS SAVAGE.
PEDRO CASTELLANOS.
MANUEL GASTELUMENDI.

From the proceedings instituted upon the detention of a loaded boat which the resguardo found lying alongside the vessel in the night of the 5th to 6th instant, results, besides, that said boat contained the following effects, which the administrator declared to be confiscated by decree of the 10th: 1st, 26 sacks beans; 2d, 3 sacks of rice; 3d, 4 boxes codfish.

Note of the effects of the cargo and stores which were embarked by the American brig C. Perkins, and with which she was cleared on the 3d instant.

Policy No. 1.—120 pipes cane rum.

Policy No. 2, *of mess room.*—2 quintals smoked fish; 2 boxes of raisins; 2 sacks salt; 4 boxes vermicelli; 6 boxes rice; 1 half pipe of cane rum (aguardiente de caña;) 2 kegs lard; 3 jugs of oil; 24 strings of onions; 6 strings of garlic; 16 quintals of oil.

Policy No. 3.—8 half pipes cane rum; 2 quarter pipes cane rum; 110 sacks of rice; 50 boxes and 10 baskets of dried fruits; 25 barrels pork; 25 barrels lard; 25 —— double refined rum (alcohol;) 20 kegs of butter; 14 demijohns of gin; 30 hams (Westphalia;) 4 boxes refined white sugar; 12 boxes cigars, with 1,200 small boxes; 25 barrels dry wine.

From the comparison of the effects mentioned in said policies and the cargo which was in the vessel on the 29th and 30th and that found in the boat detected alongside thereof in the night of the 5th to 6th, results—

1st. That all the effects that were in the boat consisted of 26 sacks of beans, 3 sacks of rice, and 4 boxes of codfish were taken on board without permit from the custom-house, and therefore were legally confiscated.

2d. That the following articles found on board, and which were not included in the permits of embarcation, were also fraudulently embarked, and must be declared to be confiscated: 151 pine boards, with 3,555 feet; 20 pine scantlings, with 755 feet; 58 pipes sweet water; 18 half pipes sweet water; 14 pipes, empty; 4 half pipes, empty; 1 large caboose, with its boiler; 1 cask, with plates and tin jugs; 1 barrel biscuits; 1 sack picadura; 1 barrel of tar; 10 barrels of fish; 1 sack of flour; 4 sacks of Spain flour; 21 sacks of corn; 4 barrels potatoes; and,

3d. That the following articles are missing, viz: 120 pipes cane rum of a 25 arrobas; 2 quintals of codfish; 4 boxes vermicelli; 2 boxes of raisins; 114 sacks of rice; 6 half pipes aguardiente; 2 quarter pipes aguardiente; 2 sacks of salt; 3 jugs of oil; 6 strings of garlic; 16 quintals of biscuits; 50 boxes and baskets of dry fruits; 4 barrels beef; 23 barrels lard; 18 barrels dry wine; 25 barrels aguardiente (refined;) 20 kegs of butter; 14 demijohns of gin; 30 hams (Westphalia;) 2 boxes of sugar; 12 boxes paper cigars, with 1,200 small boxes.

Such is the result of the acts of discharge of the American brig C. Perkins, and of the proceedings on the clearance of the same brig, which have been before us for the purpose of making the comparison

referred to in the first paragraph of the official letter from the administration general of maritime revenues, wherewith these proceedings commenced.

HAVANA, *August* 3, 1858.

IGNACIO ALVAREZ Y URRUTIA.
PEDRO CASTELLANOS.
MANUEL GASTELUMENDI.

It is a faithful copy from the original existing in this office, and which I attest as contador general of maritime revenues.

HAVANA, *August* 3, 1858.

MANUEL MA. CARBAJAL.

Correct.

CORTEZ

Don Manuel Maria Carbajal, a knight of the Spanish royal order of Charles the Third, honorary intendant of province, and contador general of maritime revenues, by her Majesty's appointment: I certify, likewise, that the original expediente of this vessel has been transmitted to the intendancy general of the army and exchequer, with the following communication:

Administration General of the Maritime Revenues:

I transmit to your lordship the original expediente of the discharge and examination of the effects on board the American brig C. Perkins, to compare them with the permits of embarcation issued from this custom-house, and therein your lordship will see all the effects on board the vessel; those that were not found on board, according to the policies made by the custom-house and fulfilled by the resguardo; those that were embarked fraudulently, and those contained in the boat detained by the resguardo on the night the vessel was foundered.

These last articles, an account whereof I opportunely gave your lordship, were declared confiscated, and I, the undersigned administrator, do hereby make to your lordship a similar declaration respecting the articles found on board, and which were not mentioned in the permits alluded to, as they were embarked fraudulently, or, which is the same, without permit from the custom-house.

This being admitted, you may, if you deem it proper, hand over the annexed original despatch to the judge of the cause instituted, with the object of ascertaining the object of said American brig C. Perkins's voyage, there remaining in this administration general a duly legalized copy granted by the office of the exchequer.

God preserve you many years.

HAVANA, *August* 3, 1858.

BONIFACIO CORTEZ,
Senior Inspector General of the Army and Royal Exchequer.

MANUEL MARIA CARBAJAL.

Correct.

CORTEZ.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 5, 1858.

MOST EXCELLENT SIR: I have become possessed of evidence that the brig "C. Perkins," an American vessel, now lying in this port, has violated the laws of the United States to such an extent that it is my duty to seize her, and send her to a port of the United States. It is my intention to do so, provided your excellency does not find in the act any infringement of the Spanish jurisdiction.

I beg of your excellency the favor to give me an early reply to this communication; and have the honor to be, with great respect, your excellency's most obedient servant,

THOMAS SAVAGE,
Commercial Agent, in charge of the Consulate General.

His Excellency Sor Don JOSÉ DE LA CONCHA,
Governor, Captain General of the Island of Cuba, &c.

[Reply.]

OFFICE OF THE GOVERNOR, CAPTAIN GENERAL, &C., OF THE ISLAND OF CUBA.

In the moment I received your communication, dated yesterday, asking my consent for the seizure and sending to the United States the American brig C. Perkins for violation of the laws of your country, I gave an order that the captain of the port should not permit the departure of the said vessel in the event of her being despatched; but, to resolve upon a matter of such importance, I intended to ask you to communicate to me the antecedents upon which you founded that determination, when I received the report that the brig Perkins had sunk this morning. Such an occurrence, and the information that the Perkins was destined for the slave trade, render it necessary that the authorities of this place make a formal investigation of all the facts and their antecedents. And therefore I will be obliged to you to be pleased to communicate to me as early as possible all that you know of them, and furnish me a copy of the statements or declarations that must be in your possession to have taken the resolution which you stated in your official letter of yesterday.

God preserve you many years.

HAVANA, *July* 6, 1858.

JOSÉ DE LA CONCHA.

THOMAS SAVAGE, Esq.,
Commercial Agent, in charge of the Consulate General of the United States.

[Urgent.]

CAPTAINCY OF THE PORT.

In this moment the moorer of vessels in this port has brought me the following report:

"The brig of the United States, 'C. Perkins,' which was at anchor to the east of Regla, has sunk."

And I have the honor of communicating it to you for your informa-

tion, and to the end that you may be pleased to order what is convenient to the captain of the said vessel to proceed with all despatch to put afloat the sunken hull.

God preserve you many years.

HAVANA, *July* 6, *at* 6 *o'clock a. m.*, 1858.

RAFAEL TAVERN.

The CONSUL GENERAL OF THE UNITED STATES.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 6, 1858.

MOST EXCELLENT SIR: I have received your excellency's communication of this date respecting the affair of the brig C. Perkins, and have the honor to say, in answer: The attempt made last night to discharge the brig's cargo, which, if I am correctly informed, was detected by the custom-house guards, and the subsequent sinking of the vessel, followed by the disappearance of all the persons belonging to the crew, thus rendering it very suspicious that she was intentionally sunk, give to the authorities of the island the right of making an investigation into all the circumstances connected with her, more especially as your excellency says information had reached you that she was fitted out for the slave trade. I therefore acknowledge precedence on the part of your government in dealing with the brig according to law, and will cheerfully accede to the request your excellency made to me to furnish you all the data in my possession bearing upon the case.

I deem it a duty, however, to state to your excellency that the evidence I have consists of affidavits *voluntarily* given me by three seamen, under a solemn promise on my part that no harm should befall them in consequence thereof. This involves a point of honor, and therefore I cannot violate my promise.

I entertain the conviction that your excellency will appreciate my position, and have no hesitation whatever in giving me the assurance that if I disclose the names of the witnesses in the three depositions above alluded to, no harm, prejudice, penalty, or punishment whatsoever shall befall the said witnesses.

I have the honor to be, with great respect, your excellency's obedient servant,

THOMAS SAVAGE,
Commercial Agent, in charge of the Consulate General.

His Excellency Sor Don JOSÉ DE LA CONHCA.
Governor, Captain General of the Island of Cuba, &c.

[Confidential.]

OFFICE OF GOVERNOR, CAPTAIN GENERAL, &C., OF THE ISLAND OF CUBA.—GOVERNMENT SECRETARY'S OFFICE.

Being informed by your communication of yesterday's date of the manner in which you obtained the data relative to the brig Perkins,

and of the promise you made to three seamen, who spontaneously related to you the facts, that no harm or prejudice should befall them, you considering it as a case of honor to expect that, on my part, none shall be caused to them on making use of all that you may communicate upon the subject, you may manifest to me the antecedents, and what has been declared in your consulate general, without mentioning the names of those seamen.

God preserve you many years.

HAVANA, *July* 7, 1858.

JOSÉ DE LA CONCHA.

THOMAS SAVAGE, Esq.,
Commercial Agent, in charge of the Consulate General of the United States.

Under date of July 7 wrote to the captain of the port, answering his note of the 6th, that the affair of the brig C. Perkins had passed into the hands of the Spanish authorities; but that I had made a contract with Mr. Charles Tyng agent of underwriters, to raise the vessel and do the needful for $500; that none of the brig's crew had made their appearance at the consulate, and that the consulate hoped he had already commenced proceedings to discover who had been the authors of the criminal act of sinking the vessel, &c.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, July 8, 1858.

MOST EXCELLENT SIR: Complying with your excellency's wishes, as communicated in your letters of the 6th and 7th instant, I will proceed to relate all the facts that have come to my knowledge in respect to the brig C. Perkins.

The first report that particularly drew my attention to the vessel was, that her commander had discharged and sent away his crew, or a portion thereof, without the intervention of this consulate; and that he had on board a number of men of all nations whom he intended to pass under the names appearing in the brig's roll or crew list and shipping articles. As this, if established, would be a violation of the laws both of the United States and of the island, when the captain applied to this office for his clearance on Saturday forenoon I caused him to be notified of the information I had received, which he declared was devoid of foundation. He was assured, however, that the matter should be cleared up before the consulate would despatch the vessel; he was also told to bring his custom-house clearance. Shortly afterwards a seaman was brought to my office to corroborate the report about the crew. He commenced by telling me that the brig C. Perkins had brought a cargo of slaves from Africa to this island a few months since. Upon hearing this, I asked the man if he would give me under oath a full statement of what he knew respecting that vessel. He answered that he would do so, and say nothing but truth, provided I solemnly promised no harm should befall him in consequence of this voluntary act on his part, to which I assented.

He then, being put on oath, declared that he joined the brig in Longo Bongo, (Africa,) about 20 miles to leeward of Loango; that she had 533 slaves on board; that they sailed from that place about four months and a half ago for Cuba, and on arrival abreast of Mariel the negroes were transferred to a schooner and a sloop, which took them away; that the master of the brig from Africa to Cuba was named George Brown, an Englishman by birth; that this captain went off with the schooner which conveyed the larger portion of the negroes, and the person here in command of the brig came as a passenger in her from Africa; and after the negroes had been sent away he took the command and carried the vessel to a port in Yucatan, where the witness, the chief mate, and eight men (not belonging to her regular crew) left her; that after the transhipment of the negroes the crew were paid on board the brig C. Perkins, each seaman receiving twenty Spanish ounces, and he, the witness, ten ounces. He further declared that the person here in charge of the brig was on shore in Longo Bongo, where he had come from the Congo river, his own vessel having been captured there by a British cruiser; that the C. Perkins, though sailing under American colors, was not, as he, witness, believed, owned by Americans; he believed her to be owned by Don Francisco Durañez or Durañon, a person having a provision store next to a bakery in the Plaza de San Francisco of Havana; that at any rate he, the said Don Francisco, was the person that paid off the crew on board the Perkins.

Owing to a previous knowledge of the man not entirely favorable to his character, I was not disposed to place implicit confidence on his statements, still, his narrative appearing to be a straight one, I determined to be cautious in my conduct towards the brig. Therefore, when the captain presented himself again on Saturday afternoon, I notified him the vessel could not be permitted to go to sea until the matter had been cleared up to my entire satisfaction. The captain's manner and hesitancy tended to excite greater suspicion, he said; nevertheless, he expected to be able to satisfy me that everything was in order.

On Monday morning I learned that two other men who had been in the C. Perkins from Havana to Africa, and back to Cuba, were in this city. I succeeded in inducing them to come to my office, give me their statements, under oath, of all they knew respecting the Perkins, and even prevailed upon them, as well as the first witness, to place themselves at my disposal to send them to the United States as witnesses for the prosecution in the event that I should send the vessel there.

The statements of these two men were fuller than the first witness's, and confirmed all that he had testified; among other things, they said that they had proceeded from Havana in the vessel, believing her to be bound to St. Thomas; that the voyage from Havana to the coast of Africa was performed in two months and twenty days, including two days passed at Annabon; the negroes were put on board the 1st or 2d of March, one and a half day occupied in this operation, and in 40 or 42 days arrived at Cayo Sal, where three persons came on board, one of them the owner *of the expedition*, whom they knew as

Don Pancho; and that the captain here appearing as the master of the C. Perkins had three negroes that he sold to Don Pancho for forty doubloons free of freight.

In this state of the matter I addressed to your excellency my communication of the 5th instant. But previous to my doing so some things occurred that are worthy of being mentioned.

On Sunday evening a person, whose name is unknown to me, called at my house and gave me to understand that he was connected with the parties that loaded the C. Perkins for the voyage she was about to undertake. He endeavored to persuade me that the vessel was all in order, and expressed a hope that I should not delay her in port, as this would be highly prejudicial to their interests. I assured him I had no desire to cause injury to the interests of any one, but I had my duty to perform without fear or favor, and consequently that I required evidence to show where the vessel had been to, and what she had been doing from the 27th of November, when she left this port, cleared ostensibly for St. Thomas, and exacted the identification of the person appearing as master of the vessel, assuring him, at the same time, that I should look for the evidence within a narrow circle, and would admit none in any way extraneous. He desired to see me the next morning at my house; I said my office was the only place where he could speak to me on the subject. The next morning he called on me, when I opened the conversation, saying I could have no reason to change my determination. He replied that the captain was somewhat unwell, and that the evidence required by me would be forthcoming on the same day. He then bowed to me, placing in my hand what had all the appearance of a sealed letter, addressed "Sr. Secretario Consul interim de los Estados Unidos—Presente," and which he desired me to read, as it related to the matter of our conversation. I opened the letter and discovered it to be a blank sheet of paper covering a note of the "Banco Español" for $1,000, clearly intended as a bribe to induce me to act contrary to the dictates of duty. The man had in the meantime disappeared, and though I ran down in pursuit, could not find him. I therefore sent to the house of Don Joaquin Lequerica. The result was a visit from this Mr. Lequerica, who professed to disclaim any participation in the others conduct, and went on expressing his expectation that the brig's affair would be satisfactorily arranged. But as I had all the evidence I required to act unhesitatingly, I explicitly told him I should not permit the vessel to proceed to sea. That same afternoon I had the honor of writing to your excellency, stating my wish to seize the brig and send her to the United States, if such an act on my part was not deemed a violation of the Spanish jurisdiction, which I, of course, was anxious to respect.

Your excellency is informed of what followed. I have reference to the attempt made to discharge the cargo during the night, and the sinking of the vessel on the morning of the 6th instant. I have concluded to apply a portion of the bank note of $1,000 in putting the brig afloat again. This operation will cost about $500, as per contract made with Mr. Charles Tyng with the knowledge of the captain of

the port. The balance I do not wish to keep. Your excellency will be so good as to say what disposition is to be made of it.

None of the crew have thus far been found, all have disappeared.

I enclose to your excellency authenticated copies of the brig's register, crew list, and shipping articles. The clearance document, issued to the vessel by the Havana custom-house on the 3d instant, I may have to use in making my report to my government, and in the belief that you can easily, if need be, obtain copies from the custom-house, I will retain the originals.

I am, very respectfully, your excellency's most obedient servant,

THOMAS SAVAGE,
Commercial Agent in charge of the Consulate General.

His Excellency SOR. DN. JOSÉ DE LA CONCHA,
Governor, Captain General of the Island of Cuba, &c.

Mr. Savage to Mr. Appleton.

No. 20] CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 9, 1858.

SIR: As a temporary answer to your despatch of the 18th ultimo, concerning the Lydia Gibbs, which, with its enclosures, I had the honor to receive this morning, I enclose herewith a copy from the ship's daily journal of this office of the entry and clearance.

No information ever reached this consulate that the vessel referred to was sold here. I have a distinct recollection of Captain Watson having assured me that she had not been sold, and that he was going to Annobon, under a charter party, upon a lawful trading voyage, Whether this was a false assertion on the master's part I am not able to say at present. Nothing ever reached the office that she was to undertake a voyage for slave trading, though I must confess that I entertained at the time, and still do entertain, a suspicion that such was really the object of her voyage. But this was and is a mere suspicion, arising simply from the fact of her being about to proceed to Africa.

I have carefully perused your despatch, the British consul's letter to Lord Malmesbury, and the Attorney General's opinion, and will lose no time in using every exertion to discover whether the said schooner did really sail upon an intended unlawful voyage. The result of my investigation will be communicated without delay to you, and in the contingency you allude to will carry out your directions.

With great respect, sir, your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

HON. JOHN APPLETON,
Assist. Secretary of State of the United States, Washington.

Copy of entry of clearance of the schooner Lydia Gibbs, of Charleston.

1853—No. 93.

Schooner Lydia Gibbs, of Charleston, 114$\frac{33}{95}$ tons, Thomas Watson, master.

January 30.—Arrived January 30, 1858, from Charleston.

When built.....1851.
Where built.....Patchogue.
Owner.....Thomas Watson.
Cargo inward.....142 tierces of rice.
48 half tierces of rice.
73 bags of rice.
200 barrels of potatoes.
68 empty hogsheads.
Value $1,200.
Cargo outward.....149 casks of rum.
THOMAS WATSON, *Master.*
R. C. WELLING, *Mate.*

No second mate, and six men.

February 24.—Captain reported that Joseph Williams (cook) deserted last night, order of arrest issued.

March 9.—Thomas Watson, master, R. C. Welling, mate, John Barber, Richard Nash, James Anderson, John Donaher, and John Russell, seamen, this day signed new articles, the voyage of the vessel being changed. The vessel going to Annobon, and from thence to a port of discharge in the United States or to a port in the West Indies.

March 9.—Cleared for Annobon, (coast of Africa.)

Mr. Savage to Mr. Appleton.

No. 21.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 12, 1858.

SIR: I avail myself of the departure of the United States steamer "Arctic," for Washington, to address you a few lines. Since my despatch No. 20, I have discovered the persons that belonged to the brig C. Perkins, and taken them to the captain of this port, the officer charged with the investigation of the circumstances that led to the sinking of that vessel. All the evidence thus far tends to show that she was sunk by order of the vessel's owner, a Spaniard, by the name of Durañon, a notorious slave trader. The witnesses have testified that the brig was scuttled by his order, and that *he* made two holes himself. I believe I have even succeeded in finding where the brig's boats (that had disappeared) were concealed.

I regret to say that I cannot now give you further information respecting the Lydia Gibbs, but hope to do so by the first mail leaving this place, say, the 23d instant.

I believe I shall have it in my power to send two witnesses to New York by the bark Albertina, (to sail 15th instant,) to enable the government to prosecute the bonds of the brig C. Perkins.

The captain general, to whom I notified the appreciation in which his measures for the protection of American vessels in the waters of Cuba are held by the government, expressed himself highly gratified.

I know officially that Commodore Kellett, commanding the British squadron in the Gulf of Mexico, has given orders "to cease visiting and interfering with American vessels." The British war vessels will be removed from this station. The Jasseur, British gun-boat, employed in the suppression of the slave trade on the south side of the island, sailed hence for Tampico day before yesterday.

The "Jamestown" and "Constellation" were off the port yesterday. The "Saratoga" was boarded about eight days since by the master of an American vessel that arrived here yesterday, on the Bahama banks. In haste.

With great respect, sir, your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Hon. JOHN APPLETON.
Assist. Secretary of State of the United States, Washington.

Mr. Dallas to Mr. Cass.

No. 116.] LEGATION OF THE UNITED STATES.
London, July 13, 1858.

SIR: I have the honor to transmit the copy of a letter addressed by me to her Majesty's principal secretary of state for foreign affairs, respecting the additional and various cases of illegal interneddling with the commerce of the United States, the documentary evidence of which accompanied your No. 113 of the 12th of June, 1858.

In none of these complaints are the circumstances of private injury or loss so marked as to call for special indemnity, nor do the masters of the vessels intimate a claim, or expectation to receive it. Yet I have not thought myself at liberty expressly to yield the pursuit of individual redress, but on the contrary, by a short phrase in the concluding part of my note, have retained the right to "reparation." In the treatment of Captain Bartlett, of the ship Clarendon, by the officers of the Buzzard, there was a grossness of insolence and menace, thrice repeated, which would justify "smart money;" though judging from the manly spirit which he exhibited in successfully repelling the outrage he would probably regard it with indifference.

This communication to Lord Malmesbury was kept on hand some days, under the supposition that, in answering my No. 108, which conveyed the "minute" of the interview between his lordship and myself, you might express views on the general subject which it would be desirable to incorporate. But several steamers having arrived

without a despatch from the department, I thought it prudent to withhold no longer.

I have the honor to be, sir, your most obedient servant,

J. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

Mr. Dallas to the Earl of Malmesbury.

LEGATION OF THE UNITED STATES,
London, July 7, 1858.

MY LORD: In further illustration of the course pursued by the officers in her Majesty's naval service on the western coast of Africa, off the coasts and even in the harbors of Cuba, and in the Gulf of Mexico, in illegally bringing to, firing at, boarding, visiting, searching, and detaining the merchant vessels of the United States, as mentioned in my letter of the 5th of June last, I have the honor to transmit herewith to your lordship copies of fourteen documents sent to me from the Department of State at Washington.

These papers disclose the circumstances of a large number of cases, additional to those heretofore submitted by me to her Majesty's government, and detail with clearness, in the form of positive affidavits, the leading particulars of that extraordinary transaction in Sagua la Grande, which I expressed a disinclination to press upon the attention of your lordship without fuller information.

I restrict myself upon the present occasion to placing these documents in the power of your lordship, with the following rapid enumeration of the features of each occurrence.

1. *The schooner "Hanover,"* Captain A. W. Eayrs, sailed from New York on the 7th day of August, 1857, to trade along the coast of Africa for palm oil. On September 17, with American flag flying, ordered to heave-to by a British war steamer; boarded, papers demanded, men bid aft and the roll called. On February 17, 1858, overhauled by another cruiser, again boarded and examined. On February 19, 1858, boarded by an armed boat from the steamer "Hecla;" register demanded, pronounced fraudulent, schooner examined. On March 7, again boarded from "Hecla;" obliged to show papers, and crew called aft and examined. On March 8, again boarded from the steamer "Triton," same proceedings repeated, and, to frighten the captain, it was falsely represented that an American man-of-war was close at hand.

2. *The schooner "I. Tinker,"* Captain George Booth, left New York on December 11, 1857, for Rio Hacha. On February 21, 1858, left Rio Hacha for New York with return cargo of wood, hides, and coffee. Off Cape St. Nicholas Mole, on February 26, overhauled by a British steamer; a gun fired, boarded and questioned; papers demanded and extracts made from them; schooner's log-book required, *and memoranda* made in it. Detention an hour and a half.

e *brig "Elizabeth Watts,"* Captain F. G. Ellis, sailed from rk March 20, 1858, for Havana. On April 7, her bows crossed hree-masted steam propeller "Forward," which fired a gun; hoisted because halyards broken; questioned why she did not er flag? At evening steamer again; questioned why she flashes of light? Ordered to heave-to, boarded, papers de- and examined; naturalization papers required, and refused; c asked for, produced, and memoranda made in it, which both and mate refused to sign.

he *bark "Elmwood,"* Captain F. Kendall, left Sagua la Grande April, 1858; chased for five hours by steamer "Buzzard," ired five or six times at her with loaded cannon; hove-to and , questioned, and detained an hour.

he *brig "New Era,"* Captain W. Walker, sailed from Phila- on 10th March, 1858, for Demarara. Sailed thence for Havana 14th April. On 23d or 24th April spoken by a boat from the ' Said he was not taken for a slaver. On 18th May a steamer ree guns. No attention paid to the firing. Course kept, and New York on 26th May.

ip *"John and Albert,"* Captain H. Crowell. About twelve f the coast of Cuba, followed, and fired at repeatedly, by an steamer. Overhauled and brought-to. Boarded and papers ed and examined.

rk *"William H. Chandler,"* Captain Albert Gage. At anchor *a la Grande.* On Sunday, the 2d of May, 1858, boarded by a officer from on board of an armed boat having a crew of twelve Papers demanded and examined.

rig *"F. C. O'Brien,"* Captain Edward Watts. At anchor in *a Grande.* On Sunday, 2d May, boarded, questioned, and demanded, as in foregoing case.

ip *"Clarendon,"* Captain J. K. Bartlett. At anchor in *Sagua de.* Boarded from the British war steamer "Buzzard," an- near her. Papers demanded and questions put. The master that he was within the jurisdiction of Spain, and repelled the right. Obedience required but declined. Officer retired, rned soon after, accompanied by his commander, both armed. again demanded and again refused. Threatened with being himself and crew prisoners, and his vessel a prize. The Brit- ers again departed, but again returned in about two hours; e with two large and two small boats, manned by some eighty nen. Same demands formally repeated, with threats of order- rd on board. Master resolute. Some of the boats' crew called, aster said no stranger should command on board of his vessel, eatened to shoot the first who came on board without his per- . The British officers then left, with menaces of future

Bark *"John Howe,"* Captain Cyrus A. Nichols, at anchor in *la Grande.* On Sunday, May 2, boarded by a British officer, ne alongside in a boat manned by a crew of some twelve men. demanded and examined, and questioned.

Brig *"S. Thurston,"* Captain Augustus Lampher. Anchored

in *Sagua la Grande.* Boarded on May 2 by a British officer, who came in a boat manned with some twelve men. Ship's papers demanded, and inquiries put.

12. Brig "*Mianus,*" Captain William Purkis, left Norfolk on the 13th March, for Kingston, Jamaica. Went thence to Black river. Took in a cargo of logwood, and sailed for New York on May 10. On May 20, in latitude 24° 19′, longitude 80° 40′, brought-to by a gun fired from the "Styx." Boarded by an officer, who came alongside in a boat manned with seven or eight men. Questioned. The British officer said he was looking out for slavers. The master thought he could hardly have taken him for one, as he had a cargo of logwood, piled two feet above the rail, and looked like anything but a slaver. He answered "No; but our orders are to board the whole of you."

13. The brig "*Abram,*" Captain Thomas G. Revans, left New York on the 16th March, 1858, for Curaçoa. Sailed thence for Rio Hacha on April 14, and, after stopping at other places, proceeded back to New York on May 15. On May 24, off Sambie Key, Florida, boarded from the "Styx," which ran down alongside. Papers demanded questions put, replies noted, and an extract taken from clearance.

14. The ship "*Reliance,*" Captain Samuel Foss. On May 2 1858, sailing between Salt Key Bank and Cuba, overhauled by British armed steamer, which fired a gun. Boarded by an officer a boat's crew. Questioned. The officer said he was cruising there the time, and had boarded every vessel that came along. He look down the hatchways to find what the cargo was.

Referring, for the correction of any omission or mistake deemed all material in the foregoing sketches, to the affidavits themselve do not suppose that they can be read by your lordship without ins ing a strong sense of the dangerous tendency of the proceedings t narrate. No nation asserting an equal sovereignty with other natio conscious of her independence and her rights, could witness w peaceful acquiescence acts so ruinous to the security of her comme and contemptuous to her flag. It is not my purpose to exagger these offensive aggressions. On the contrary, while stating them fo the reparation which they may be deemed entitled to receive, it is source of much gratification to know that the amicable relations of our two countries are saved from their repetition by the discontinuance of a practice frankly conceded to be incompatible with public law.

Begging your lordship to accept the assurance of my highest consideration, I have the honor to be your most obedient servant,

G. M. DALLAS.

The right honorable the EARL OF MALMESBURY,

&c., &c., &c.

Mr. Savage to Mr. Appleton.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 14, 1858.

ıe bark "Albertina" will convey to New York, sailing morning, two witnesses, named Francisco Martinez and ucitto, in the case of the brig C. Perkins. To induce them ew York I have had to furnish them a passage, which will Jnited States fifteen dollars each, and allow them $1 50 the dates on which they gave their affidavits to me (say, 3d stants) to the day on which they shall be notified that their e no longer required.

ɾritten to the United States attorney for the southern dis- w York the main facts of the case, enclosing him copies of its, but he may possibly want something more, which you ı him, as the early departure of the Albertina to-morrow ıt me from sending him.

equested Captain Barton, of the Albertina, (a trustworthy ırn the two witnesses to the United States revenue cutter rk, and the commanding officer of this vessel to receive and , subject to the district attorney.

respectfully, sir, your obedient servant,

THOS. SAVAGE,
Vice-Consul General.

HN APPLETON,
stant Secretary of State of the United States, Washington.

Mr. Cass to Mr. Cobb.

DEPARTMENT OF STATE,
Washington, July 15, 1858.

ave the honor to transmit herewith, for your information, ım a despatch (No. 18) received here to-day from the United consul general at Havana, relative to the ketch Brothers, on, and the bark Lyra, of New York, which vessels have iled, under suspicious circumstances, from Havana for the rica.

sir, your obedient servant,

LEWIS CASS.

)WELL COBB,
Secretary of the Treasury.

Mr. Cass to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, July 15, 1858.

ransmit herewith, for your information, and in order that te instructions may be given to the United States district attor-

neys in New York and Charleston, respectively, should the circumstances be such as to justify it, extract from a despatch, No. 18, received from the United States vice-consul general at Havana, relative to the departure from that port for the coast of Africa, under suspicious circumstances, of the ketch Brothers, of Charleston, and the bark Lyra.

I am, sir, your obedient servant,

LEWIS CASS.

Mr. Cass to Mr. Savage.

DEPARTMENT OF STATE,
Washington, July 16, 1858.

SIR: Your despatches, numbered 18, 19 and 20, with their respective enclosures, have been received. Extracts from your No. 18 have been sent, respectively, to the Secretary and the Solicitor of the Treasury Department.

In compliance with your request, some stationery has been sent to you, for official use in the office of the consulate general.

The department has been gratified to receive your prompt replies to its despatches, and to perceive the industry and efficiency which you bring to the discharge of the important and laborious duties of the office of the consulate general.

I am, very respectfully, your obedient servant,

LEWIS CASS.

THOMAS SAVAGE, Esq.,
U. S. Vice-Consul General, Havana.

Mr. Cass to Mr. Dallas.

No. 120.] DEPARTMENT OF STATE,
Washington, July 20, 1858.

SIR: The papers of which a copy is herewith enclosed were transmitted to this department through Arthur W. Austin, esq., the collector of the customs at Boston, Massachusetts, by Messrs. Ellis & Cobb of that city. They relate to the seizure and detention of the American brig "Caroline," Gibbs, master, by her Britannic Majesty's steam sloop "Alecto," off the Rio Nunes, in May last. You are instructed to bring the circumstances to the notice of the British government, and to found thereon a demand of redress for the outrages and damage suffered through these unjustifiable acts.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

Mr. Austin to Mr. Cass.

BOSTON, *June* 22, 1858.

SIR: I transmit a letter from Messrs. Ellis & Cobb, in relation to outrages committed by the commander of the English steamer "Alecto," near Sierra Leone.

Their communication and the protest will fully set forth the nature of the outrage. I understand from Messrs. Ellis & Cobb that they have letters from their captain and supercargo, which can be forthcoming if wanted.

I am, very respectfully, your obedient servant,

ARTHUR W. AUSTIN, *Collector.*

HON. LEWIS CASS,
Secretary of State, Washington.

Messrs. Ellis & Cobb to Mr. Cass.

BOSTON, *June* 21, 1858.

DEAR SIR: By the English mail, just arrived, we have received letters from Captain Gibbs, of our brig "Caroline," informing us that the said vessel had been seized by the British war steam sloop "Alecto," detained against the captain's will, searched, and finally towed to the port of Sierra Leone.

For full information concerning this unwarrantable aggression, we beg to refer you to the accompanying protest, noted by Captain Gibbs, also consular certificate relating to papers of our vessel. The "Caroline" was fitted out for a trading voyage to the west coast of Africa and islands adjacent, and it was all important for our interests that she should proceed according to our letter of instructions to the supercargo, touching first at Matacong. You will readily see that this interruption will cause us material loss, completely frustrating the plans for the voyage, compelling Mr. Tufts to dispose of his cargo, and purchase homeward freights of the merchants in Sierra Leone. We will not, however, at this time enter fully into details concerning the disastrous effects of this seizure, but simply assure you that they can be fully shown when necessary, in order to obtain recompense for our considerable loss. The outward cargo of the "Caroline," without addition of freights and other expenses, was valued here at $20,388 40.

Trusting to our government to see that we are reimbursed for our considerable losses by this outrage upon commerce, we remain, very respectfully, your most obedient servants,

ELLIS & COBB.

HON. LEWIS CASS, *Washington, D. C.*

Bradford Gibbs, master of the brig "Caroline," of Boston, in the United States of America, of the burden of one hundred and seventy-two tons, or thereabouts, the said vessel having been seized and taken possession of by her Majesty's steamship "Alecto," Commander Hunt, off the Rio Nunez, and from thence brought and anchored off this port of Sierra Leone, notes his protest against the proceedings to which the said brig has been subjected, against the commander of the "Alecto," and all others whom it may concern, to be hereafter extended.

Done at Freetown, Sierra Leone, this 12th day of May, 1858.

M. SMITH,
Notary Public.

Noted and done by me.

BRADFORD GIBBS.

I, Magnus Smith, of Freetown, in the colony of Sierra Leone, notary public, duly admitted and sworn, do hereby certify that the foregoing is a true and faithful copy of a certain noting or entry of a protest made with me on the day and by the party therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my [L. S.] notarial seal this fourteenth day of May, in the year of our Lord one thousand eight hundred and fifty-eight.

M. SMITH,
Notary Public.

By this public instrument of protest, be it known unto all whom it may concern, that on the fourteenth day of May, in the year of our Lord one thousand eight hundred and fifty-eight, before me, Magnus Smith, of Freetown, in the colony of Sierra Leone, notary public, duly admitted and sworn, personally came and appeared Bradford Gibbs, master of the brig "Caroline," of Boston, in the United States of America, who said and declared, as he doth by these presents say and declare, as follows, that is to say: That the said brig left Boston aforesaid, on the fourth of April last, laden with a full cargo of such articles of merchandise as are usually taken for purposes of legitimate commerce to the west coast of Africa, whither she was bound, this appearer being then, as now, master of the said brig, and she having on board also a supercargo, viz: Mr. Horace Tufts, a person who has long been engaged in the legitimate commerce of the said coast, where he is, in consequence, generally well known. That the said brig, after leaving Boston, made the best of her way on her intended voyage, and, in the prosecution of the same, was, on Saturday, the 8th day of May, instant, off the Rio Nunez, (not, however, having yet sighted the land,) when, in the afternoon, a vessel was seen ahead of her at some distance off. That the courses the two vessels steered lay towards each other, and in no great length of time they were alongside of each other, when the said vessel so seen, as aforesaid, proved to be the British steamship-of-war "Alecto." That when near enough the

said brig was hailed from the said steamer and ordered to heave-to. That the said brig had, at the time, the United States flag flying at her main-masthead, having hoisted it (an ensign) when about three miles distant from the said steamer, and it was kept flying all the while the said brig and the said steamer were in company with each other, both night and day. That a boat then came from the said steamer with an officer and crew, by whom the said brig was boarded. That, after getting on board the said brig, the said officer, in answer to questions he put, was informed from whence the said brig had come, as aforesaid, and where she was bound to, namely, Matacong, and by his desire the said brig's papers were also produced to him, and he inspected the same, viz: her register, her clearance from the custom-house at Boston, her bill of health, her crew list, and her articles, with others not necessary to be particularized. That the said officer, after examining the said papers, and also examining what was on the said brig's deck, desired to know whether he could look into her hold, and was told by the appearer that he might look into it from the after cabin and the fore hatch, and he accordingly examined the said brig's hold from those parts. That the appearer was induced to consent to this, (thinking that further trouble might thereby be avoided,) as these parts of the said brig were easily accessible, but was not willing that the main hatch should be opened, as that could not be done without disturbing the deck-load. the said vessel being deeply laden not only with a full cargo under hatches, but with a deck load besides. That the boat with part of her crew was, after some time, sent back to the said steamer with a message that the said brig's papers appeared to be all right, but that she had a suspicious cargo. That the boat in a short time came from the said steamer again with her commander, who then boarded the said brig himself. That the said brig's papers (the same already mentioned) were then inspected by the said commander also. That after a while the said commander ordered the appearer into the boat with his papers, and took him and them on board the said steamer, where the said papers underwent another examination. That after they were thus examined, the said commander asserted that they were false papers, and told the appearer that he had better let them swim, and he also told the appearer that he had better let the American ensign swim, which the said commander pointed to as it was flying on board the said brig—this, respecting the flag, was said just as the appearer was leaving the the said steamer. That the appearer and his papers, after some time, were sent back to the said brig. That, when on board the said brig, the appearer was asked if he was willing that the main hatches should be opened, in answer to which he said that he was not willing that they should, and refused to give his consent thereto. That the said steamer's people who were on board the said brig, and in the boat alongside her (amounting to some ten or twelve well armed men in the whole) were then ordered by their officer to clear the deck load off the main hatch and break it open, which order was carried into effect, and part of the cargo of the said brig was taken out of her main hold and placed on the deck, and the main hold searched and examined.

That all this was done entirely by the people of the said steamer,

who, also, after the search had been completed, replaced the cargo and put the hatches on again. That while this was going on, and until the end of that day, the said brig was kept lying to, with the said steamer under her lee, but towards evening she was put in charge of a prize officer and crew from the "Alecto," with directions to follow the said steamer. That the appearer had before been told by the commander of the "Alecto" that he should take the said brig to Sierra Leone, and the said steamer now steered towards that place, and the said brig was kept by the prize officer and crew following her during the night. That the said brig was, during the whole of that night, entirely in the charge and possession of the said prize officer and crew, and so continued until, after her arrival off Cape Sierra Leone, she was given up, they alone working and sailing her as they chose, the appearer and her own crew being entirely superseded and set aside. That, at about 9 o'clock the next morning, (that of Sunday, the 9th of May,) the said steamer came alongside the said brig and took her in tow and towed her towards Sierra Leone, till about 11 o'clock at night, when she was brought to anchor, this being done entirely by the prize officer and crew. That about half past 6 o'clock the next morning (that of Monday, the 10th of May,) two officers came on board the said brig from the "Alecto." That, shortly after coming, one of these officers said to the appearer that he had come on board for the last time, to give him a chance to let that ensign swim, pointing to the American ensign at the masthead of the said brig. That the appearer thanked him for his advice, but declined adopting it. That one or both of the said officers also required the papers of the said brig to be produced again, and when that had been done, they mustered her officers and crew, by her crew list, after which they, or one of them, sealed up the papers, and gave them to the appearer in that state, forbidding him to open them till they should be given to the American consul. That at about 8 o'clock that morning the anchor of the said brig was hove up by the prize crew, and she was by them got under way and again taken in tow by the said steamer and towed towards Sierra Leone, till about 9 o'clock in the evening, when she was again brought to anchor by the prize crew off Cape Sierra Leone. That at about 10 o'clock the next morning (that of Tuesday, the 11th of May,) a boat which had left the "Alecto" for Freetown returned to her, soon after which the commander of the said steamer came on board the said brig and ordered the prize master and crew to go on board the said steamer, which they did. That the said commander, afterwards, stated to the appearer that he had been advised to give up the said brig, and offered to tow her to Sierra Leone or Matacong, whichever the appearer desired, but that if that was declined he should leave her. That, in answer to this, the appearer stated that he had no request to make; and the said commander afterwards, as he had stated, left the said brig. That the appearer, being now at liberty to take such course as he thought necessary, proceeded in the boat of the said brig to Freetown, and shortly after arriving there caused a protest to be noted against the proceedings to which the said brig had been subjected, (a copy of which noting is hereunto prefixed,) and on the same day caused the commander of the said

steamer to be served with a notification, of which the following is a copy:

FREETOWN, *Sierra Leone, May* 12, 1858.

SIR: You having unlawfully seized and captured the United States brig "Caroline," under my command, off the Rio Nunez, put on board of her an armed prize crew and master, and sent her from thence under their charge to Sierra Leone, out of the course of her destined voyage, and at a distance from the place to which she was bound, I hereby beg to notify you that you will find yourself held responsible for the conduct you have thus pursued towards a vessel which had done nothing which could give you any right to interfere with her, or anything whatever in the least wrong; but was simply engaged in that legitimate commerce which her owners for a considerable time, and her supercargo for many years, had carried on on the coast of Africa, and which it is the object of all nations and persons who wish well to Africa to encourage, as necessary to the extinction of the slave trade and the promotion of civilization.

The damage resulting from the interruption of the vessel's voyage will necessarily be considerable, and you may be assured that this will not be quietly submitted to, but that satisfaction will be sought for this individual injury as well as for the breach you have committed of international law.

I am, sir, your most obedient humble servant,

BRADFORD GIBBS.

The COMMANDER *of H. B. M. steamship-of-war "Alecto."*

That on the next day (that of the 13th of May) the appearer received a reply from the said commander, a copy of which is as follows:

HER MAJESTY'S STEAM SLOOP "ALECTO,"
Sierra Leone, May 1[illegible], 1858.

SIR: Enclosed on the back of this is your letter to me; to prevent any alteration of which I retain the original.

The statements of your letter are false, which I have the signed testimony of myself and officers to prove; your consular agent at this place having released you without either searching you or going on board your vessel, or even looking at your papers, has entirely freed me from all responsibility; and as you have now had sufficient time to destroy all criminal matter that your vessel might have contained, besides what was seen, and also rearrange your papers, I therefore leave you in his hands.

In conclusion, I beg to add, that being towed to this place at your own request, against calms and contrary winds, (and thus giving you a laugh at the Britishers, a remark you often made,) and thus enabling you to be two weeks earlier in the market, and within fifty miles of the port that you afterwards said you would like to go to, and to which you were offered a tow, ought to have made you more grateful.

All further correspondence on this subject must be addressed b_ you to my commander-in-chief.

I am, sir, your obedient servant,

JAMES HUNT, *Commander.*

Mr. BRADFORD GIBBS, who did represent himself to be the master of the brig "Caroline."

Nation at present unknown.

And the appearer, in regard to the said reply, said and declared that the several matters asserted or insinuated therein are by no means to be taken to be the truth, but, on the contrary, are for the most part very untrue, although it is perhaps hardly necessary, directly, to state that to be the case, as the said matters are for the most part shown to be untrue by the said reply itself. That the assertion or insinuation, for instance, that there was any criminal matter whatever on board the said brig is wholly untrue. That the assertion or insinuation as to the said brig's papers being arranged or rearranged, so far as the same implies anything improper, is also wholly untrue; that the said brig's papers are not only genuine, but their genuineness can be ascertained at the public offices in the United States, at which the business to which they relate was transacted. That the assertion or insinuation as to the said brig's being towed to Sierrra Leone, at the appearer's "own request," is also wholly untrue, and is shown to be so by other parts of the said reply. Thus the passage immediately following the said assertion or insinuation, "thus giving you a laugh at the Britishers, a remark you often made," involves a contradiction to it, though this vulgar statement is in itself also untrue, since the appearer never made any such remark. The passage, however, which most strongly shows the untruth of this assertion or insinuation is that which imports that the said brig was "released" by her consular agent. What she was released from was the possession or custody which had been taken of her by the "Alecto." That the assertion or insinuation contained in the passage, "thus enabling you to be two weeks earlier in the market," is also untrue. That it is true that having been brought to Sierra Leone against their will and contrary to their views, and fearing that those views may not now admit of being carried out, it has been endeavored, since the release of the said brig, to dispose of her cargo at Sierra Leone, but the said brig was not intended to come to Sierra Leone, nor her cargo to be disposed of there; and it is only in consequence of what was intended in those respects having been frustrated by the said brig's seizure by the "Alecto," that the said cargo has been endeavored to be disposed of. That the passage alluded to, however, is not unimportant since it involves an admission of the said brig's cargo being one for a legitimate market. That the assertion or insinuation conveyed in the expressions, "the port to which you afterwards said you would like to go," if it means that the appearer did not, from the first, state that the said brig was bound to Matacong, is also untrue, the appearer having from the first, and always said, she was bound to that port. That the assertion or insinuation in the address of the said reply, as to the said brig's "nation *being* unknown," is also untrue, the nation of the said brig having from

the beginning been evinced by her flag and papers, as has been already stated; the untruth of this assertion or insinuation is moreover shown by another part of the said reply, that, namely, which speaks of her "release," the commander of the "Alecto," there speaking of and treating the United States consular agent at Sierra Leone as being the consular agent of the nation of the said brig. That the assertion or insinuation in the address of the said reply, as though the appearer only "represented" himself to the master of the said brig, but was not her genuine master, is also untrue, the appearer being the genuine master, and the fact that he is so appearing upon the papers, and being easily ascertainable by reference to the public offices in the United States, in which such matters have to be made to appear. And the aforesaid conduct and proceedings adopted towards the said brig "Caroline" being, as the appearer alleges, altogether unlawful and unwarrantable, he, the appearer, doth hereby protest against the same, and against the commander of the said British steam sloop-of-war "Alecto," and all concerned in the said proceedings and conduct, and all who are or ought to be responsible for the same.

Done and protested before me, the notary aforesaid, at Freetown, in the colony of Sierra Leone. In testimony whereof, I have hereunto set my hand and affixed my notarial seal, the day and year first above written.

[L. S.] M. SMITH,
Notary Public.

I, Bradford Gibbs, the appearer above named, do solemnly and sincerely declare that the foregoing statement is correct, and contains a true account of the facts and circumstances; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of his late Majesty King William the fourth, intituled "An act to repeal an act of the present session of parliament, intituled An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

BRADFORD GIBBS.

Declared this nineteenth day of May, 1858, before me,
M. SMITH, *Notary Public.*

I, John E. Taylor, do hereby certify that the following documents, viz: register, clearance, crew list, and shipping articles of the brig "Caroline," of Boston, were this day exhibited before me by Bradford Gibbs, master of said vessel, sealed by the commander of the "Alecto," and that I examined the same, and believe them to be correct, according to the laws of the United States.

Given under my hand and seal of office this 12th day of May, 1858.

[SEAL.] JOHN E. TAYLOR,
United States Consul.

Consul Crawford to Lord Malmesbury.

HAVANA, *July* 22, 1858.

MY LORD: I have the honor of reporting to your lordship that the bark "Lyra," which sailed from this port about ten days ago, under American colors, to be employed in the slave trade, put into Key West, where she has been seized by the collector of customs, as a slaver.

The master is said to have abandoned the "Lyra," and made his escape, carrying with him the money, (said to have been $30,000,) put on board here for the purchase of her cargo of negroes.

The brigantine "A. C. Perkins," which was sunk in this harbor, under the circumstances described in my last number of this series, has been raised and is hauled in to the wharf, undergoing investigation by the Spanish authorities in combination with the American pro-consul.

Information having reached the brigadier governor of Havana, Don José Ignacio Echavarria, that the American brig "Nancy," of 219 tons, was taking in her equipments, and was about to be despatched to be employed in the slave trade, said vessel was seized in the night between the 16th and 17th instants, it is said, in the moment of her having part of her slave fittings put on board. The crew found in the vessel have been imprisoned, and the affair is undergoing investigation by the Spanish authorities.

A certain Mr. Gerediaga, who has been extensively engaged in the slave trade at this place for some time past, has also been placed in confinement by these authorities.

Mr. Consul Forbes, of Santiago de Cuba, reports the sailing from that port of the brig "Juliet," under American colors, the 25th ultimo, bound for the coast of Africa, to be employed in the slave trade. She took 180 puncheons of water marked Ste. Maria, 150 barrels of biscuit, 50 barrels pork, and 50 bags of rice, in the way of provisions, but was cleared as having a cargo of sugar and rum for Macao.

Mr. V. Consul D'Costa, of date the 7th instant, reports the sailing of the American brig "Rufus Soulé," from Matanzas, as to be employed in the slave trade, and this information has been confirmed by the former master of that vessel, a British subject, citizen of the United States, who left her when sold at Matanzas, and gave me notice of his suspicions upon his arrival here.

The American fore-and-aft rigged schooner "Castor," about 263 tons, arrived at this port a few days ago, from New York. She is, I hear, for sale, and being admirably adapted for the slave trade, I presume she will be bought and sent to the coast of Africa, to supply the place of some of those which have been captured.

I have, &c.,

JOS. T. CRAWFORD,
Consul General in Cuba.

The EARL OF MALMESBURY, *&c., &c., &c.*

Mr. Savage to Mr. Appleton.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 25, 1858.

ıe mail steamer from New York arrived yesterday afternoon, ;ht me a bag from the department containing stationery for but no despatches.

matter of the schooner "Lydia Gibbs," I have made dili- ıries to ascertain if she was actually fitted out for and pro- Africa on a slaving voyage. It is currently reported and hat such was the object of the voyage, but I can find no ɔ establish the fact. By some means it became known that ;avoring to discover what I could respecting the vessel, when ;r-party and bill of lading were anonymously sent to me. you these two documents, numbered 1 and 2, which to all es bear the signature of Thomas Watson, the master. The ıan Campa) appearing as charterer, is entirely unknown I can find no one to give me any account of him.

ɡ "C. Perkins" was raised, pumped out, and is now lying arf; she will probably be discharged to-morrow or the next ;re is no doubt whatever that she was going for slaves, as nt of other things there is sufficient evidence on board to fact. The Spaniard, Durañon, said to be her owner is, I am ison. I accompany herewith copies of two letters numbered not previously sent,) that have passed between the captain ıd myself relative to this affair.

proceed to call your particular attention to the voluminous lence that I have had with Flag-Officer McIntosh, the gover- vana and other officials, and Captain John Williams, upon f the brig "Nancy," of New Orleans, detained by the au- ıere, and her cargo discharged by order of the same, on an (among other charges) of being fitting out for the slave ;onnexion with a Spaniard residing in this city named Don ıerediaga, who has been, since the 17th instant, confined in debarred all communication with his friends.

such a complicated affair, involving violations of the laws ıe United States and Spain, that I have been at a loss to ıow I could have adopted a different course and objected to ement of the captain and crew of the brig, or refused my co- to a certain extent, with the authorities in their endeavors ɡate whether the "Nancy" was really being fitted out for wful traffic; when the authorities gave me the assurance possessed evidence of such being the object of her intended ıd that a very important part of the evidence was to be board. Had the authorities not instituted proceedings in the alleged violations of their own laws, and simply, but e terms, communicated to me that the "Nancy" was going and assured me of their having the evidence to prove their it would have been my duty, if I am not in error, to secure the person of the captain and crew in order to prevent their

escape; then look into the nature of the evidence, and if found sufficient, seize the vessel and send her with the crew to the United States to be there dealt with according to law.

As the matter now stands, I cannot say how it will terminate. I will not lose sight of it; and in the same manner as I have not hitherto neglected to bring forward *all* the captain has alleged in behalf of himself and crew, nor to do anything to ameliorate their condition while the case is pending, I will not fail to insist upon the investigation being brought to a close with all despatch; and in the event of the accused being put on trial, that they shall be allowed all the facilities for defence they are entitled to under the treaty between the United States and Spain, even though the greater portion of the crew cannot, as I believe, produce proof of being American citizens.

The charter-party of the "Nancy" was exhibited to me on board by Captain Williams. When I get it I will send you a copy thereof. From the tenor of it one would suppose it to be for a lawful voyage. I presume it will stand good if the evidence produced be not strong enough to show that the document was intended as a blind, this being a trick repeatedly resorted to by slavers. The enclosures relating to this affair are numbered 5 to 24 inclusive.

The other papers also enclosed, and numbered 25, 26, 27, and 28, relate to the bark "Lyra" seized by the authorities at Key West. In a former communication I mentioned this vessel, my suspicions that she was bound for Africa to engage in the slave trade, and the measures that had been adopted to insure her going to Key West.

Owing to the very many lengthy documents I have had to copy, besides attending to the current business of my office, I have been unable, this time, to follow the instructions of the department in regad to the manner in which documents should be forwarded. The steamer's mail closes at 6 a. m. to-day, and as there will be no other steamer for the United States before the 8th proximo, I deemed it best to lose no time in laying the papers before the department. I crave your leniency, and without advancing it as anything meritorious, I beg leave to say that this despatch is being closed at 3 o'clock this morning, and that I have been in the office the whole night.

My efforts in detecting and putting a stop, in this place, to the prostitution of the American flag for purposes of slave trading, have created a considerable excitement and hostility to me among a certain class of persons here. I understand that some abusive letters have been sent on to be published in certain journals of the United States, with the view of raising a clamor against me. This cannot and will not deter me from performing my whole duty without fear or favor. I trust the President, the department, and the respectable portion of the community, who hold their country's interest and honor at heart, will believe in the rectitude of my purpose. I have acted according to the best of my judgement, and trust that the department will give me instructions; that if my course should not entirely meet its ap-

proval, it will inform me where I have erred, in order to rectify, if possible, any mistakes I may have made.

I have the honor to be, sir, with great respect, your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State
of the United States, Washington.

No. 1.

Charter-party.

It is this day mutually understood and agreed upon between ———, in behalf of the owners of the American schooner Lydia Gibbs, of 123 tons, whereof Thomas Watson is master, now lying in the port of Havana, on the first part, and Juan Campa, merchant, on the second part, as follows: That the said vessel being tight, staunch, strong, and in every respect fitted for the intended voyage, Captain T. Watson shall receive on board said vessel a full and complete cargo, to consist of such goods or merchandise as the charterers may see proper to put in her, which shall not exceed what she can reasonably stow and carry, over and above her tackle, apparel, provisions, and room sufficient for the accommodation of the officers and crew, and which cargo the said parties of the second part hereby agree to furnish at Havana.

The said vessel being so laden, Captain T. Watson shall, with all possible despatch, make sail for the port of Annabon and a market, or so near thereunto as she may safely get, and on his arrival at the port of discharge make a true and faithful delivery of the cargo according to custom and the bills of lading.

In consideration whereof, freight shall be paid on unloading and right delivery of the cargo at the rate of twelve thousand dollars, as follows: eight thousand dollars to be paid in cash at Havana before the departure of the vessel, and four thousand on her return to a port in Cuba.

The lay days shall be as follows: fifteen running days; after the expiration of which time, demurrage shall be paid at the rate of $25 per day as it may become due.

The cargo shall be taken in and discharged according to custom of the respective ports of loading and discharging at the expense of charterers.

The vessel shall be consigned at Annabon to the order of the said merchants, paying no commissions.

It is further understood and agreed upon, that on arrival and delivery of cargo at Annabon, she will take in a cargo of goods and merchandise and thence proceed to a port in Cuba.

And for the due performance of the several articles of this agreement, the respective parties do hereby bind themselves, each unto the other, in the penal *sum of one thousand dollars*: restraint of rulers, the

acts of God, fire and all and every of the dangers of the seas, river— and navigation of whatever nature and kind, always excepted.

In testimony whereof, the respective parties have hereunto set the— hands, in the city of Havana, this 24th day of February, in the ye— one thousand eight hundred and fifty-eight.

Witness to the signature.

THOMAS WATSON.

No. 2.

Bill of Lading.

Shipped, in good order and well conditioned, by J. Campa, — board the American schooner called the Lydia Gibbs, whereof Wats— is master for the present voyage, now lying in the port of Havan— and bound for Annabon. To say: one hundred and fifty pipes — rum, being marked and numbered as in the margin, and are to — delivered in the like good order and condition, at the aforesaid po— of Annabon, (the dangers of the seas only excepted,) unto order, — to assigns, he or they paying freight for the said ——, with —— p— mage and average accustomed. In witness whereof, the master — purser of the said vessel hath affirmed to two bills of lading, of th— tenor and date, one of which being accomplished, the other to sta— void.

Dated, Havana, the 8th day of March, 1858.

THOMAS WATSON.

No. 3.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 19, 1858.

MOST EXCELLENT SIR: I have the honor to inform your excellency that the brig "C. Perkins" is already afloat, the holes in her bow stopped up, and all the water in her has been pumped out. She will be taken, probably to-morrow, to anchor at some place in the harbor in deep water, where her cargo may be taken out. Should your excellency deem it proper to have her discharged, in order to ascertain fully the nature of her cargo, such a course will meet with my co-operation. I would request your excellency to let me know when the discharge will be commenced, as I wish to be present at the formation of the inventory.

With great respect, your excellency's very obedient servant,

THOMAS SAVAGE,
Commercial Agent in charge of the Consulate General.

His Excellency Sor Don JOSÉ DE LA CONCHA,
Governor, Captain General of the Island of Cuba.

No. 4.

[Translation.]

GOVERNMENT, CAPTAIN GENERALSHIP, AND DELEGATED SUPERINTENDANCY OF TREASURY OF THE EVER FAITHFUL ISLAND OF CUBA. GOVERNMENT OFFICE.

[SEAL.]

Before receiving your communication announcing to me that the American brig "C. Perknis" was afloat, I yesterday notified the intendant general to verify the actual cargo of said vessel by a comparison with the statements exhibited to obtain her clearance, and to conduct the proceedings with suitable diligence, and invite you to witness the operation.

Such are the wishes you also express in offering your co-operation; and it is probable that from moment to moment you may receive the seasonable notice from the treasury authorities.

God preserve you many years.

HAVANA, *July* 20, 1858.

JOSÉ DE LA CONCHA.

The COMMERCIAL AGENT
In charge of the Consulate General of the United States.

No. 5.

[Translation.]

[SEAL.]

PREFECTURE OF HAVANA,
Havana, July 18, 1858.

The suspicions which were entertained that the American brig "Nancy" was preparing in this port to proceed to the coast of Africa in search of a cargo of wild negroes being confirmed, it becomes necessary, in conformity to the orders which have been communicated to me, to proceed to imprison the captain and all the crew of said vessel; and, in order that she may not be abandoned, and that some one may be intrusted with her custody and preservation, I address myself to you, hoping you will be pleased to tell me whether you can designate a person in whom you confide, who, with some seamen, may take charge of said brig before her captain and crew leave her.

God preserve you many years.

JOSÉ IGNO. DE ECHAVARRIA.

Col. THOMAS SAVAGE, *Commercial Agent,*
In charge of the business of the U. S. Consulate at this place.

No. 6.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 18, 1858.

SIR: In view of what you said to me, in your official letter of thi
date, with reference to the brig Nancy, whose master and crew are t
be arrested for infraction of the laws, I hasten to state that I am nc
at present able to find intelligent and responsible seafaring men ur
engaged, to place in charge of the said vessel. For this reason I tak
the liberty to propose that his excellency the commandant general c
marine be requested to furnish a warrant officer and a sufficient nun
ber of men to take care of the "Nancy," and that the delivery to th
officer of all that may be on board, be effected with the requisite fo
malities.

I am willing, on my part, to be present and authorize the forma
tion of the inventory and the delivery of the vessel and her appu
tenances, as soon as you shall be pleased to give me the requisi
notice.

I am, sir, very respectfully, your obedient servant,

THOS. SAVAGE,
In charge of the Consulate General.

Sor Brigadier Don JOSÉ IGNACIO DE ECHAVARRIA,
Governor of Havana, &c., &c., &c.

No. 7.

[Translation.]

[SEAL.] PREFECTURE OF HAVANA,
Havana, July 18, 1858.

His excellency the general commandant of marine, to whom I mac
a suitable representation in consequence of your communication c
this date, relative to the American brig "Nancy," has appointed th
sea officer whose name is expressed on the margin [Don Sebastia
Gonzales] to go, with the suitable number of seamen, and take charg
of the said vessel and her appurtenances.

Which I make known to you in order that, with this knowledg
and inasmuch as the delivery has to be effected under inventory, yc
may be pleased to witness and authorize said act, as in a writing c
this date you state that you are ready to do so.

On the delivery being terminated, the captain and crew will r
main in charge of the commissioner of the 2d district, with whom
have communicated concerning the arrest.

God preserve you many years.

JOSÉ IGNO. DE ECHAVARRIA.

No. 8.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 19, 1858.

SIR: Complying with the request contained in your official letter of to-day, I have the honor to accompany a document showing all that can be ascertained from the brig "Nancy's" crew list and shipping articles, including various remarks pertinent to the subject.

I beg leave to draw your attention, in this letter, to one of the subjects of the conversation that took place at the interview I had the honor to hold with you this day. I refer to the state of incommunication in which the captain and men of the "Nancy" are held. I hope that the preliminary examination of these parties has been carried on to-day, in order that they may be allowed to hold free communication with their friends, as well as with this consulate, without unnecessary delay.

I am, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
Commercial Agent in charge of the Consulate General.

Sor Brigadier Don JOSÉ IGNACIO DE ECHAVARRIA,
Governor of Havana, &c., &c., &c.

HAVANA, *July* 19, 1858.

Names of persons composing the crew of the brig "Nancy," of New Orleans, lying in the port of Havana, so far as the same can be ascertained from the crew list and shipping articles.

John Williams, master or captain; Louis Teoso, mate. Michael Vedo, cook; Antonio Martin, steward; and John Collin, carpenter, nation unknown. Joseph Ferner, or Fermin, Thomas Benker, Charles Bierens, or Barnes, Lucindo Tornicio, John Davis, and Nicholas Theodore.

There is nothing in the crew list and shipping articles of the brig to show the nationality of the six last named persons; and, indeed, there is no evidence that any of the said six persons, or Louis Teoso, were shipped according to the laws of the United States. It appears that after the brig had been cleared or despatched at the custom-house in New Orleans, the majority of the crew, whose names appear in the official crew list deserted, and that a number of other men were shipped in their places; but there is no evidence that this last shipment of men was in any way legalized. The captain never brought to the consulate (as he ought to have done) the "shipping articles," or contract with the crew, certified by the custom-house at New Orleans; and he ought to have procured from some notary public in New Orleans, certificates expressive of the changes that occurred in the crew after her clearance in the custom-house.

The captain of the "Nancy" reported to me yesterday that Andrew Agen, or Ogden, who came from New Orleans, had deserted the

vessel some days since, and left the port in a Russian ship; that one of the men had died; that two others were on shore; the names of these three I do not know.

Among the men arrested on board yesterday was one that was acting as cook, who obtained a passport from the government of this island some days since. The commissary of the second district knows the man, as I understood from said commissary that he issued to the man the certificate to enable him to get the passport.

The mate, Louis Teoso, came here acting as second mate of the brig on the 16th instant; he signed the contract as mate before the shipping of Havana—Mr. Daniel Warren. In the same way, Charles Burens, or Barnes, to go as second mate. Other men signed the contract to proceed in the brig "Nancy," on the 16th instant. Their names are Pedro Alvarado, Juan Perez, Juan Echavarria, Francisco Fernandez, and Felipe Alvarado—all these appear as Portuguese subjects.

The two mates—Teoso and Burens, or Barnes—call themselves American citizens.

THOMAS SAVAGE,
Commercial Agent in charge of the Consulate General.

No. 9.

[Translation]

[SEAL.] PREFECTURE OF HAVANA,
Havana, July 19, 1858.

In the prosecution of the official proceedings which have been instituted in regard to the American brig "Nancy," on account of the confirmed suspicions that she is preparing for the trade in wild negroes of Africa, as you aware, it would be very convenient to join to them the roll belonging to said vessel; and I request that you will be so good as to furnish it to me, or at least an authenticated copy of it, or, in case of your not having it, an intimation of where it is, in order that it may be obtained.

God preserve you many years.

JOSÉ IGNO. DE ECHAVARRIA.

The COMMERCIAL AGENT, *in charge of the business of the Consulate General of the United States.*

No. 10.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 20, 1858.

SIR: An occurrence took place a few days since, in this port, that has led to the imprisonment of the captain and crew (such of them that

were found on board) of the brig "Nancy," of New Orleans. From information given me by the governor of this city, it appears that the authorities were advised that the "Nancy" was fitting out for the slave trade; that two lighters, with goods not entered at the custom-house, were detected alongside the brig by the revenue officers; and, when they were performing their duty they were advised by parties connected with the vessel not to interfere, as the *governor, chief of police, andc ommandant of the revenue guards were interested in the expedition to go after slaves.* The officers were not deterred from carrying out their purpose, and afterwards made a report of all the circumstances to their commandant, who, on his part, communicated the same to the captain general. Subsequently the vessel was searched by the revenue officers, who reported that she not only had on board goods not entered in the custom-house, but that there were effects among them confirming the suspicions entertained that the brig was fitting out for the slave trade. The hatches were closed and sealed with the seal of the custom-house.

Last Saturday the governor requested me to call on him, when he communicated all these things, and that it was necessary to secure the persons of the captain and crew of the brig—all of whom are said to be implicated. As I had been watching the "Nancy" since her arrival, (for it was and is currently reported, though not in a tangible form, that she, some time ago, brought a cargo of slaves from Africa to Cuba,) and was awaiting her clearance for the purpose of assuming the responsibility not to let her go to sea, unless I was perfectly satisfied that she was bound upon a lawful voyage, I consented to the arrest of the captain and men. The governor desired me to place some persons on board to protect the property, but there being none unengaged that I could trust, I requested him to procure from the admiral a warrant officer and some seamen for the purpose. On Sunday evening we went on board the brig, and placed the Spanish officer and men in charge, and the captain and crew were taken to prison. A Spaniard, named Don Ramon Guerediaga, accused of being interested in the expedition, has been, since Saturday, in solitary confinement. The master and men of the "Nancy" being also (according to the laws of the country) confined in a state of incommunication with their friends and until their examination is gone through, I yesterday desired the governor to cause their examination to be taken in order that they should be permitted, without unnecessary delay, to have free intercourse with the consulate and their friends. I also told the governor that I should require to be present at the opening of the hatches and discharge of the cargo. The governor assured me that he would have the captain and men examined immediately, so that they could be allowed free communication; that I should be invited to be present at the discharge of the cargo; and that not a single step would be taken by the authorities, in the case, without giving me notice beforehand, that I might be sure nothing was done which was not in conformity to law. The examination of the parties is now going on. I will, of course, give my most particular attention to the case; it is a complicated one, involving alleged violations of the laws both of the United States and Spain; and, in the event of the American

captain and men being brought to trial, will see that they are allow all the facilities for defence that they are entitled to under the trea between the United States and Spain.

If you could conveniently come here with the "Colorado," I shou be glad indeed. You could then learn for yourself all the circu stances of the case, and act according to your judgment, or at le aid me with your valuable advice.

The Jamestown was off the port yesterday—Captain Kennedy w on shore; he told me sickness continued on board the ship, and th two persons were very ill. He expects to be back here on the 22d 13d instant.

* * * * * * * * *

I remain, very respectfully, yours,

THOMAS SAVAGE,
Vice-Consul General

Flag-Officer JAMES McMcINTOSH,
Commanding United States Home and Gulf Squadron,
on board Steam Frigate "Colorado," Key West.

No. 11.

ROYAL PRISON, *Havana, July* 20, 1859.

DEAR SIR: I chartered my vessel for the coast on a legal voyage, per charter-party, bound to receive on board a cargo of goods, legi as is understood, at Havana, to be delivered there. I am not awa what goods or effects there have been sent on board of my vesse Neither do I consider myself to break open and examine packag that are sent on board of my ship as cargo by the charterers, bu simply to take an account of their number and marks, if any. I ar not aware if all packages on board of my vessel now are, or are not legally cleared by the custom-house. This is a matter that does no concern me in any way at all. My duty as master is to report to th custom-house officers when they call for it, and after all cargo is o board, such number of packages there is on the ship, and their con tents, for which we take the merchant's note. I have signed no bill of lading for any goods on board as yet, and consequently I ar ignorant, and desirous of ascertaining why, therefore, I am so arbi trarily removed from my ship into a public prison, together with m mate and crew. Now, dear sir, as the representative of the Unite States, you will take an interest in my immediate release from thi place, and also of my mate and crew Let me impress upon you mind that I consider myself most grossly insulted, and beg of you t protest, in my name, against whom it may concern, for the insult, i the first place, and indemnity and damages that may result out of su rash and arbitrary act. Please see to my release as soon as possibl in order that I may be able to appear at your office, and make a fu and complete statement of all. Expecting you will not delay

ttending to this my request. My charter-party the commissary has ot, which he promised to return last evening, which he has not done. beg of you to demand for me.

Dear sir, I remain your obedient servant,

JOHN WILLIAMS,
Master Brig Nancy.

The CONSULATE *of the United States of America.*

N. B.—I wish myself, mate, and crew present at the discharge of my vessel.

No. 12

[Translation]

[SEAL.] PREFECTURE OF HAVANA,
Havana, July 20, 1858.

I have given an appropriate direction to the information relative to the crew of the American brig "Nancy," which you have been pleased to furnish to me in the communication that I received from your consulate yesterday afternoon; and as, in your opinion, it would be proper to have a conference with the captain of said vessel, who is in the royal prison, I wish you to know that he can be communicated with to-morrow morning; and as soon as the respective examinations shall have been made, you can proceed, in the same manner, to confer with the rest of the seamen of the aforesaid brig: once accomplished the precautionary object with which you know this measure is adopted with a view of facilitating the elucidation of the facts which it is necessary to inquire into.

God preserve you many years.

JOSÉ IGNAO. DE ECHAVARRIA.

The COMMERCIAL AGENT
In charge of the business of the Consulate General of the United States at this place.

No. 13.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 21, 1858.

SIR: I have at this moment, 3.10 p. m., received a communication from the administrator of maritime revenue, informing me that the discharge of the brig "Nancy" will commence to-morrow (22d) at 6 o'clock in the morning.

As you stated to me verbally this morning that there is no objection on your part in according to the captain's petition, for himself and mate, to be present at the discharge, and believing that there will be none on the part of the administrator of the revenue, I ask of you to

be so good as to give orders that the said captain and mate be conducted on board at the hour fixed. I have understood that the administrator has gone, for the day, to his home in the *Cerro;* for this reason, it will not be possible for me to see him to ascertain his views upon this point.

I have much pleasure in subscribing myself your attentive and obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Sor Brig. Don José Igno. de Echavarria,
Governor of Havana, &c., &c., &c.

No. 14.

[Translation.]

General Office of Royal Maritime Revenues of Havana,
Havana, July 21, 1858.

In compliance with an order from his excellency the superior civil governor and captain general of the island, this office of maritime revenues will proceed to unload the American brig "Nancy," and to compare the articles which she has on board with the permits of shipment issued by the custom-house. This operation will begin at 6 o'clock to-morrow morning, the 22d instant; and by order of his excellency the superior civil governor, I make it known to you, so that, if you wish, you may be present at said unloading and comparison, as commercial agent in charge of the consulate general of the United States.

God preserve you many years.

BONIFACIO CORTEZ.

The Commercial Agent
In charge of the Consulate General of the United States.

No. 15.

[Translation.]

[SEAL.] Prefecture of Havana,
Havana, July 21, 1858.

Being in possession of your communication of this date, in which you reiterate to me the wishes you have verbally expressed, that the captain and mate (piloto) of the American brig "Nancy" might be present at the unloading and examination of said vessel, I must agree with you that I do not consider such a course improper, and supposing this opinion will be concurred in by the office of maritime revenues, whose report it is not possible for me to obtain now, as, owing to the *lateness of* the hour, that office is now closed, and as the examination

is to take place early to-morrow morning, I give the suitable orders to the chief of police that said captain and mate may be accompanied by a policeman to the place of unloading, for the purpose which you indicate to me; and I make this notification thus directly, and in consideration of the short time afforded to the superintendent of maritime revenues. I think by this means everything will be arranged, as it was not possible for you to come to an understanding with said chief, for the reason that he had already retired from his office; and I state this to you in answer to your polite communication, which I have just received.

God preserve you many years.

JOSÉ IGNO. DE ECHAVARRIA.

The COMMERCIAL AGENT
In charge of the Consulate General of the U. S. at this place.

No. 16.

FLAG-SHIP "COLORADO,"
Key West, July 21, 1858.

SIR: I have received your communication of the 20th instant, detailing the occurrences in relation to the brig "Nancy," her captain and crew.

I hope, if the captain is proved to have been engaged in the slave trade, that he may be fully punished; for the prostitution of our flag is now so common a thing that it is disgraceful to the country.

The bark "Lyra" has just been seized here on strong suspicion of being engaged in the slave trade, and her captain and crew have all deserted her.

I have asked from the honorable Secretary of the Navy more particular instructions in relation to vessels so suspected, and I trust soon to be able to render you some efficient aid in your duty on this subject.

I am gratified by the conduct of the governor in relation to yourself in this matter; and if an opportunity offers, you will oblige me by so stating to him.

I have every confidence in your exertions to have justice done in this case. At present it is impossible for me to say when I shall be off Havana.

With very great respect, your obedient servant,

JAMES M. McINTOSH,
Flag-Officer, Commodore-in-Chief Home Squadron.

THOMAS SAVAGE, Esq.,
Vice-Consul General of the United States, Havana.

No. 17.

PRISON, *Havana, July* 22, 1858.

DEAR SIR: I do not see any necessity for me and my mate to go on board of the American brig "Nancy," which I lately had charge of, as her hatches have been opened since my imprisonment. I do not consider that I have anything to do in regard to her discharging on account of what has occurred. Pray, Mr. Savage, do not forget the treatment of my men and myself; by doing so, you will confer a favor on your humble servant.

JOHN WILLIAMS.

The CONSULATE *of the United States.*

No. 18.

PRISON, *Havana, July* 22, 1858.

DEAR SIR: From the time you ordered me out of my ship and allowed me to be conveyed to a Spanish public prison by the authorities of this place, thus leaving my ship and part of her cargo then on board under your guidance I thought, but to my surprise I find that you did not take charge of her; neither did you place an officer or a responsible person on board to see that there was nothing taken out or put into the ship until such time as she might have been ordered to be discharged either by yourself or the government, for I really don't know by whom I am placed in this situation; I don't consider that my presence is at all required to see to her being discharged, since they have taken off the hatches during my absence, and must be known to yourself, as you stated to me this morning, and consequently they may have taken out or put in the ship anything they so chose. Here you allow me to remain just where I am if you consider it proper and just until such time as you see fit, and out of this if ever, I shall see to my own affairs and try to obtain justice.

Dear sir, I remain your servant,

JOHN WILLIAMS.

To the CONSULATE *of the United States of America.*

No. 19.

[Translation.]

[SEAL.] PREFECTURE OF HAVANA,
Havana, July 22, 1858.

I have the pleasure of replying to your communication of yesterday's date, which I was able to peruse after midnight, and state to you, in view of all you have been pleased to say to me in it, in consequence of what the captain of the American brig "Nancy" has in-

formed you, that the official proceedings to which you refer are going on by determination of his excellency the superior governor and captain general of the island, from whom I have received the most positive orders that they shall be conducted with all possible activity. This is being done with subjection to the strictest legality, and you, from your great experience and long residence in the country, may have been convinced of the fact, seeing that the government, anticipating your wishes, has informed you of everything, and has invited you, from a politeness which it takes pleasure in observing towards you, to be present at all the acts which were directed to be performed. The affair is proceeding with all the rapidity which could be desired, and will shortly be sent to the proper judge, who will decide on the design and position of the captain and crew of the brig "Nancy," to whom has been and will be extended all the consideration compatible with the fulfilment of the laws.

God preserve you many years.

JOSE IGNO. DE ECHAVARRIA.

The COMMERCIAL AGENT
In charge of the Consulate General of the United States.

No. 20.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 22, 1858.

SIR: I have the honor to acknowledge the receipt of your official communication of this date, on the subject of the brig "Nancy," and am much gratified at the assurances therein given me of the intention on the part of the authorities to bring this unfortunate affair to a prompt termination; of their desire to show me all possible deference, and to render the situation of the captain, mate, and men of the brig as comfortable as consistent with their safe-keeping while the case is pending. I avail myself of this opportunity, however, to state my surprise on discovering this morning that the seals placed the other day upon the "Nancy's" hatch by the custom-house authorities had been broken yesterday without my being present. This was done at about 12 o'clock m., (according to the acknowledgment of the officers who did it,) and was a violation of the understanding betwixt you and me, thus giving Captain Williams cause to enter a complaint and protest, as he has done, against the act, and some foundation to plead a non-accountability for effects of a suspicious nature that may have been or be hereafter found on board.

You will, I am certain, easily understand the position in which I am placed in this business. At the same time that I am not disposed to throw obstacles in the way of the authorities of the island which might prevent their ferreting out the alleged infringement of the laws of Spain and bringing the guilty parties, if any there be, to condign punishment, and that I *have to ascertain* if the evidence produced

against the master, mate, and crew of the brig be sufficient to clearly prove an intent on their part to violate the laws of the United States by using our flag for a nefarious traffic, I am also in the obligation of rendering to these parties all the aid and assistance in my power to insure their prompt release from imprisonment should the charges against them not be sustained. I am thus placed in the double position, I may say, of prosecutor and defender of the accused; therefore it is my duty to bring before you all and everything that, in any measure, may tend to their benefit.

I do not wish to, and certainly do not entertain the belief that the authorities of the customs meant to disregard the consulate when they proceeded to open the brig's hatch yesterday without first inviting me to attend the act, but you will, I believe, come with me to the conclusion that such a proceeding was, under the circumstances, a mistake.

I have been from 6 a. m. till nearly 4 p. m. with the officers of the customs deputed for the services on board the Nancy, attending to the discharge of her cargo. Notwithstanding the diligence employed, the whole was not put out to-day. We must therefore be again on the vessel to-morrow morning early. Captain Williams and his mate do not wish to be present at the discharge any more.

I have received your letter of this date respecting the bark "Lyra," seized by the authorities of Key West, and will endeavor to return you an answer in the course of to-morrow.

I reiterate to you the assurances of respect with which I am your obedient servant,

THOS. SAVAGE,
Commercial Agent in charge of the Consulate General.

Sor Brigadier Don José Ignacio de Echavarria,
Governor of Havana, &c., &c., &c.

No. 21.

Consulate General of the United States,
Havana, July 21, 1858.

Sir: I beg leave to call your particular attention to the following remarks taken from a letter addressed to me this day by Captain John Williams, master of the brig Nancy, now detained in the public jail.

Captain Williams asserts that his vessel was chartered to proceed from Havana to the coast of Africa on a lawful voyage; that he was bound by the terms of the charter-party to receive on board a cargo of goods (lawful as he understood) at Havana to be delivered in Arica to the agent of the charterer; that the charter-party was handed by him yesterday to the commissary, who took his examination, at this functionary's request, and received the assurance that the document should be returned to him in the evening, which (Captain Williams says) has not been done, and that he needs the same. Upon this point, if I remember right, you gave me to understand this morning

there would be no difficulty, as the document in question would certainly be returned to the captain after the object for which the authorities required it had been accomplished.

Captain Williams continues saying that he was not aware what goods or effects had been sent on board of his ship, nor did he consider himself authorized to open and examine packages sent as cargo by the charterer, his duty being simply to take a note of their number and marks; that he is ignorant if all the packages put on board had been entered or not at the custom-house, this being a matter of no concern to him; that it is the duty of a shipmaster to report to the custom-house officers when called upon for it, and after all the cargo is on board, the number of packages received and their contents; to effect which, he must, in a great measure, depend upon the memoranda furnished him by the shippers; and that as the time had not come for him to make his report to the custom-house, and he had not as yet signed any bills of lading, there could be no reason to accuse him of an intent to infringe any law. Captain Williams, therefore, expresses himself very much at a loss to understand the reason why he, his mate and crew, have been taken from their ship and subjected to the hardship and degradation of an imprisonment in a jail, as if they were convicted of a heinous crime; and consequently he requires of me to use my best exertions to obtain their immediate release, and at the same time requests me to receive his protest against what he considers an arbitrary act on the part of the authorities of this island.

The foregoing observations are laid before you in compliance with Captain Williams's wishes.

As you have given me the assurance that the government have evidence to sustain the charges brought against the parties connected with the "Nancy," and that the authorities have no intention to take any steps in this matter without fully apprising me of them beforehand, I will abstain from making, at present, any comments upon Captain Williams's assertions. I do, however, confidently entertain the hope that no unnecessary delay will be allowed to occur in bringing the case to a prompt termination, in order that, if the accused are really innocent, they shall be declared so, and relieved from their painful situation.

With great respect, your obedient servant,

THOS. SAVAGE,
Commercial Agent, in charge of the Consulate General.

Sor Brigadier Don José Ignacio,
De Echavarria, Governor of Havana, &c., &c., &c.,

No. 22.

[Translation]

[SEAL.] Prefecture of Havana,
Havana, July 23, 1858.

Having been conducted with the greatest possible activity the official proceedings ordered to be instituted by his excellency the

governor captain general respecting the American brig "Nancy," they were terminated and put in my possession yesterday afternoon; and, conformably to the orders which his excellency gave me in consequence of being informed of them, they were delivered on the same afternoon to the judge of the royal superior court, (real audiencia pretorial,) Don Francisco Paláu, named by the higher authority aforesaid to take charge of the effects referred to by the penal law of 1845, and before the said judge the intendant general will also have to send the proceedings conducted by the royal treasury.

Thenceforward, therefore, the intervention which I exercised in said affair has terminated; and on this account I shall send to his excellency the governor captain general your communication of yesterday's date, which I received at a late hour of the night, as well as its forerunners.

In saying this to you in reply, I gladly avail myself of this opportunity to say to you, consistently to what I have expressed to you verbally, that if the captain of the brig "Nancy" wants the original of the charter-party, which is among the papers forming the official record, I doubt not it will be furnished to you whenever you may claim it of the said Judge Paláu, who, I am persuaded, would so order, leaving on the record due evidence of it, by which your wishes may be accomplished, and the necessities of the suit reconciled; and I ought to add that, for my own part, I did not decide to do so for the reason that it was my duty to deliver the proceedings entire.

God preserve you many years,

JOSÉ IGNO. DE ECHAVARRIA.

The COMMERCIAL AGENT,
In charge of the Consulate General of the United States.

No. 23.

[Translation.]

In the ever-faithful city of Havana, on the twenty-second of July, one thousand eight hundred and fifty-eight, in virtue of the official communication of the superintendent general of maritime revenues, who forms the head, the individuals named having assembled, viz: Don Ignacio Alvarez y Urrutia, inspector of wharves, warehouses, and bay; Don Pedro Castellanos, lieutenant of the revenue guard; and Don Manuel Gaztelumendi, officer of the custom-house, appeared Mr. Thomas Savage, in charge of the consulate general of the United States, accompanied by the captain of the vessel, John Williams, and the mate, Luis Jeose, when an inventory was taken of the articles of the cargo on board the American brig Nancy, beginning with the articles on deck, which are as follows:

Five bags of salt; ten pipes of fresh water; two half pipes of fresh water; half pipe of spirits (which was afterwards placed in the hold;) half a lighter load of wood; two depositories of meat, (one empty and

the other containing three pieces ;) four barrels of potatoes ; various articles employed in the working and service of the vessel.

Subsequently the raising of the hatches was proceeded with, which were found sealed, at which act the captain of the vessel stated that the seals which were found on the hatches were not the same as those which had been put on in his presence ; that he protested against the act, on account of its not being done in the presence of his consul, and against all the consequences which might result from it.

After this the unloading of the articles in the hold was proceeded with, which operation lasted until after four o'clock in the afternoon, when the hatches were sealed in order to continue on the following day, which sealing was done with the seal of the royal treasury and that of the consulate general of the United States, which we, the individuals appointed for this act, did through diligence.

IGNACIO ALVAREZ Y URRUTIA.
THOMAS SAVAGE.
MANUEL GAZTELUMENDI.
PEDRO CASTELLANOS.

On the 23d day of the same month and year, having reassembled the individuals who composed this commission, with the consul, but the captain and mate not being present, the seals on the hatches were examined and were found in the same condition in which they were left. The hatches were opened to continue the unloading, which was concluded at ten o'clock in the morning, with the articles hereinafter expressed, viz :

41 bags of rice.
41 large tin pots.
26 small tin pots.
2 wooden hand-mills.
2 bags of coffee of six a. [arrobas.]
15 quarter barrels of vinegar.
4 bags of Indian corn of about four a. [arrobas.]
5 boxes jerked beef.
1 short box of tobacco.
2 boxes of white sugar.
2 boxes of medicines.
2 bags of peas.
6 bags of chick peas.
6 boxes of Scotch codfish.
1 box of salt fish.
2 kegs of English nails.
1 cask of beer.
1 box of sardines of Nantes.
20 barrels of ship biscuit.
1 small open box of potatoes,(this was on deck.)
20 barrels of dry wine.
6 boxes of vermicelli of various qualities.
7 half pipes of red wine,are seven.
2 large iron boilers.
1 hogshead containing strings of garlic and boxes of sardines.
1 keg of lard.
2 boxes of pickles.
9 barrels of meat from the north.
1 barrel of iron frying pans.
2 barrels of brown sugar.
4 barrels of white sugar.
1 barrel of pointed knives and tin buckets.
2 boxes preserved tomatoes and other substances.
1 box of candles.
1 box of pipes for smoking.
1 box of liquors.
8 barrels of white beans.
1 box of soap.
8 barrels of white corn meal.
2 half barrels of white corn meal.

1 barrel of cigars in very small boxes.
2 boxes of Cognac of a dozen bottles.
1 box of cheese and other provisions.
1 basket of Champagne.
4 boxes of preserved tomatoes.
31 quarter barrels of meat from the north.
3 bundles of fine tree-nails.
32 barrels of ship biscuit.
24 beams of pine, containing 1,3[illegible] feet.
170 boards, containing 4,000 f[illegible] according to mark.

Articles in the cabin.

1 box of ordinary dishes.
3 jars of fat.
3 empty jars.
2 jars of almonds.
2 jars of annise-seed.
4 demijohns of gin.
1 demijohn of spirits.
29 jugs of oil.
1 box of soda biscuit.
5 barrels of ship biscuit.
2 boxes of soap.
1 barrel of rice.
2 barrels of corn meal.
2 boxes of composition candles[illegible]
8 kegs of paint.
5 barrels of anchovies.
1 box of liquor.
3 barrels of wheaten flour.
1 box of preserves.
4 kegs of lard.
10 hams.
1 bag of Indian corn.
1 box of codfish.
1 bag of dried peaches.
I bag of flour.
5 pieces of cotton canvas.

Some unimportant articles are in the cabin, as well as elsewhere aboard, not belonging to the cargo.

16 pipes of spirits.
15 half pipes of spirits.
65 pipes of fresh water.

The demijohns of spirits have remained in the hold, as they could not go to the depository. In this manner the unloading of the provisions was completed, and they were sent to the warehouses of the mercantile depository, nothing else being noticed on board, it being unknown whether anything was hidden under the pipes. The forecastle and galley were examined, but there was nothing in them but articles belonging to the crew and to the working of the vessel; whereupon this operation was concluded, and the cabin, hatches, and bulkheads of the whole vessel were sealed with the seals of the royal treasury and consulate general of the United States.

Which we, the members of this commission, subscribe, at Havana, on the twenty-third of July, one thousand eight hundred and fifty-eight.

IGNACIO ALVAREZ Y URRUTIA.
THOMAS SAVAGE.
MANUEL GAZTELUMENDI.
PEDRO CASTELLANOS.

No. 24.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 24, 1858.

SIR: The brigadier governor of this city, in an official letter under yesterday's date, says to me that on the previous afternoon he had passed to your hands the governmental proceedings carried on by him by order of his excellency the superior civil governor of the island, to investigate if the American brig "Nancy" was fitting out for the slave trade; and, furthermore, that to said proceedings was accompanied the original charter-party of the said vessel which was taken from the captain thereof when the commissary of police commissioned for the preliminary proceedings received his examination.

Being in need of the charter-party to make a report thereupon to my government, I would esteem it a favor if you could detach the same from the process and place it at my disposal, for which I will leave the corresponding acknowledgment.

I avail myself of this occasion to earnestly recommend to you the promptest despatch in this cause; the crew are suffering in the prison, and if they should be found to be innocent it would be painful to us to keep them there longer than is absolutely necessary for the substantiation of the cause.

Your just and upright character and kindness of disposition, which are well known to me, have encouraged me to address you this recommendation in behalf of the accused belonging to the "Nancy."

I have much pleasure in offering you the assurances of respect with which I am your obedient servant,

THOMAS SAVAGE,
In charge of the Consulate General.

Sor Don FRANCISCO PALÁU,
One of the Justices of the Superior Court of Judicature of this Island, &c., &c., &c.

No. 25.

COLLECTOR'S OFFICE,
Key West, July 17, 1858.

SIR: The American bark "Lyra," W. C. Dickey master, arrived here on the 8th instant from your port, under a sea letter, for the purpose of obtaining a temporary register, and to proceed from here to Africa; the master reported at this office, and entered his vessel. Suspecting that all was not right with her, I caused an examination of the vessel, and found that the cargo on board did not agree with her manifest given to this office: instead of *aguardiente*, there were 86 casks water, and but very few casks of *aguardiente* or wine, and a very large number of articles not manifested, consisting of beef, oil, swords, rifles, powder, wooden spoons, iron in bars, one large boiler and furnace, a larger supply of provisions than reported; the master appeared to be much surprised at the result, and pleaded ignorance; said he

was sick when the cargo was taken in, &c. Being satisfied that she was intended to be engaged in an illegal traffic, viz: the slave trade, I seized her, and before I could arrest the master he absconded with the money on board, say $7,000 which he reported.

Since the seizure, Lieutenant Hartstene informs me that you had suspicions of her, and requested him to put an officer and men on board of her to see that she came to this port.

The Spaniards and part of her crew leave this for Havana in this vessel.

I will be obliged to you for any information that may be in your possession relative to this bark and cargo, or of her owner, Captain James Gage, and if he is still in Havana.

I have the honor to be your obedient servant,

JOHN P. BALDWIN, *Collector.*

THOMAS SAVAGE, Esq.,
United States Vice-Consul General, Havana, Cuba.

No. 26.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 19, 1858.

SIR: I am in possession of your official letter of the 17th instant, advising the seizure of the bark "Lyra," and asking for such information as I may have respecting that vessel.

I believe the papers she carried contained all I knew concerning her. But from the fact of her intending to go on an African voyage, and that many vessels have been sold in this port, which were provided with sea letters to proceed direct to a port of the United States, there to procure the requisite papers, instead of which they are known to have gone direct to Africa, I deemed it my duty (not having evidence to justify me in detaining and overhauling her) to apprise our cruisers (and I did apprise the commanders of the United States vessels "Plymouth" and "Arctic") that the "Lyra" was bound, by the terms of the sea letter issued to her by me, to go direct to Key West, and that it was proper for them to follow her and see that she actually went to that port.

The report made to you by Commander Hartstene, in respect to placing an officer and men from his ship on board the Lyra to make sure that the vessel should go into your port, is, in the main, correct. The plan was discussed between us, but there being some doubt as to the consequences of such a proceeding on his part, if the bark was subsequently ascertained to be in order, I believe the plan was abandoned; and I understood that the "Arctic" not being a fast vessel, he would see if Captain Dahlgren could follow the "Lyra" to Key West.

As to the owner of the bark, Captain James Gage, he is a resident of Charleston, South Carolina. He was here in command of the ketch "Brothers," of Charleston, when the bill of sale of the "Lyra" was executed in his favor. He at first intended to take command of

the bark himself, but afterwards changed his mind, and appointed Captain William C. Dickey master. Captain Gage sailed with the "Brothers" for Africa on the 2d instant; and entertaining the same suspicions in regard to her as I had of the Lyra, I wrote on the first to Captain Levy, commanding United States "Macedonian," to board her at sea, and treat her as he should think proper after examining her papers. In my letter to Captain Levy (who with his ship was off the port) I informed him that the "Brothers" would probably sail that same afternoon, but she did not till the next morning, when the "Macedonian" was no longer signalled at the Moro. Whether Captain Levy overhauled her or not, I am not informed, as the "Macedonian" has not returned.

I have known Captains Gage and Dickey for a long time, the former much longer than the other, and had a very good opinion of them. I know nothing of their pecuniary circumstances. My acquaintance with them was merely from seeing them here repeatedly in command of American vessels.

I am, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

JOHN P. BALDWIN, Esq.,
Collector of Customs for the District of Key West.

No. 27.

[Translation.]

[SEAL.] PREFECTURE OF HAVANA,
Havana, July 22, 1858.

In the prosecution of the official proceedings which have been instituted for the purpose of ascertaining the design with which the American brig "Lyra" left this port, which vessel is now detained at Key West by the authorities of the Union on suspicion of being devoted to the traffic of negroes, it becomes necessary to show the true name of the captain who commanded her, and who, it appears, was called Wilkins, according to the answer made by Don Ramon de Guerediaga, now a prisoner, and said to be the person who fitted out said vessel for the purpose of bringing to the island wild African negroes, and to learn at the same time whether it is true that the said Guerediaga has, in due form, demanded, before your consulate, from the said captain, the payment of eleven thousand dollars in specie, which he says he gave to him in the character of a loan or mortgage.

Therefore, I hope you will be so good as to inform me all that you know on both sides, as well as anything that your intelligence may deem conducive to the end above communicated, which is of so much interest to the government of her Majesty as well as to that of the Union.

God preserve you many years.

JOSÉ IGNACIO DE ECHAVARRIA.

The COMMERCIAL AGENT,
In charge of the Consulate General of the United States.

No. 28.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, July 23, 1858.

SIR: Other pressing duties and bodily indisposition have prevented me from giving you, at an early hour, a reply to your attentive letter of yesterday's date in respect to the bark "Lyra," seized at Key West by the United States authorities on suspicion of being bound for Africa after slaves, and for having rendered an incorrect manifest of her cargo to the collector of customs.

The "Lyra" arrived here from New York, with cargo, on the 1st ultimo, and the same day her commander deposited her papers in my office, according to law; a few days afterwards I learned that Don Ramon Guerediaga, of this city, held a deed of hypothecation upon the ship, executed by George Wiggin, sole owner and master, (as per register,) in New York, for the sum of eleven thousand dollars, ($11,000,) advanced to him by Guerediaga's agent in New York.

The terms of the instrument were, that George Wiggin was to pay to Guerediaga the amount above mentioned on arrival in Havana, otherwise the latter would have the right to seize the ship and sell her for Wiggin's account, and pay himself both principal and interest; accounting to the hypothecator for any excess there might be over his (Guerediaga's) claim, or demanding any deficiency there might be.

On or about the 14th of June he applied to me to demand from George Wiggin the amount of the mortgage, and, in consequence of such application, I addressed to Captain Wiggin a letter, of which the accompanying document is a true copy.

Captain Wiggin appeared almost immediately before me; seemed to be in great distress; said that he was in treaty to sell the bark, and expected to close a bargain soon; and if he were not disappointed in his expectations, Mr. Guerediaga's claim would be paid without delay. On the 17th of June the ship was sold to, and a bill of sale executed in favor of, James Gage, a citizen of the United States, and a shipmaster. Mr. Guerediaga was, I presume, paid his claim, for he executed, in my presence, an instrument acknowledging receipt of his advance, together with the interest, and cancelled the mortgage upon the "Lyra." All these things, as well as the subsequent appointment (on the 26th) of William C. Dickey to the command of the bark, were noted on the vessel's register, to which was also attached the bill of sale and the sea letter granted her by me, under which she was obliged to proceed direct to Key West to procure a new register, &c., and to obtain which the new owner gave Captain Dickey the requisite power of attorney.

I am not aware that Don Ramon Guerediaga had anything further to do with the "Lyra," except, perhaps, the settlement of her port charges and freight money, according to arrangement between him and Wiggin. The freight money I allude to is that upon the cargo of the "Lyra" brought here from New York.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
In charge of the Consulate General.

Señor Brigadier Don JOSÉ IGNACIO DE ECHAVARRIA,
Governor of Havana, &c., &c., &c.

Mr. Appleton to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, July 28, 1858.

SIR: I transmit herein, for your information, and with a view that such instructions may be given to the United States attorney in New York as the case may require, copy of a despatch, No. 23, received from the United States vice-consul general at Havana; also a despatch, No. 19, with its enclosures, relating to the brig C. Perkins, of New York, which vessel is alleged to have been engaged in the slave trade.

I will thank you to return despatch No. 19, with enclosures, after having made such use of it as you may think proper.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

Mr. Dallas to Mr. Cass.

[Extract]

No. 118.] LEGATION OF THE UNITED STATES,
London, July 30, 1858.

SIR: * * * * * * *

The note from her Majesty's principal secretary of state for foreign affairs, of which a copy is subjoined, reached me late yesterday evening. It refers to a communication received by Lord Malmesbury from Lord Napier respecting the instructions by which our naval force on the West India station is to be guided, and specially adverts to so much of your No. 117, (read to his lordship by me agreeably to your desire,) as relates to the President's views on the expediency of annulling the eighth article of the treaty of 1842. I presume that a copy of this note will conclude the series of papers developing the actual position of our relations on the topic of visit and search which Lord Malmesbury, at the call of Lord Lyndhurst, promised to lay before Parliament. I shall take steps to procure this blue book as soon as it appears, and will, of course, forward it to you by the earliest opportunity. * * * * * *

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

The Earl of Malmesbury to Mr. Dallas.

FOREIGN

States squadron on the coast of Africa. It appears to be in that part of the world that the assumption of the American flag by vessels not entitled to bear it, and who use it solely to cover their participation in the iniquities of the slave trade, has been most frequent and most glaring; and her Majesty's government view with the greatest satisfaction the arrival in those waters of a force able to put down this odious traffic, and prevent this abuse of the flag of the United States.

Her Majesty's government have, however, learned with regret from the despatch of General Cass, of which you communicated to me a copy on the 19th instant, that the government of the United States have under their consideration the question whether it may not be advisable for them to give notice of their wish to terminate the eighth article of the treaty of the 9th of August, 1842, between Great Britain and the United States, by which the respective governments engage to maintain squadrons on the coast of Africa for the suppression of the slave trade. Her Majesty's government feel convinced that such a step on the part of the United States could not fail to encourage the hopes of those who are engaged in a traffic for the suppression of which Great Britain has made such onerous sacrifices.

With reference to that portion of General Cass's despatch in which he states that the President is under the impression that if the United States squadron were withdrawn from the African coast the vessels composing it might be ordered upon service elsewhere to much better advantage, in the suppression of the slave trade, her Majesty's government, although they have expressed the regret with which they should see the squadron of the United States entirely withdrawn from the coast of Africa, would suggest as a satisfactory arrangement between the two countries that the United States should maintain a preponderating force in the Cuban waters, with which a smaller British squadron might co-operate; and similarly, that a smaller United States squadron should assist a larger British armament on the African coast.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

Mr. Appleton to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, August 2, 1858.

SIR: Referring to the communication from this department, addressed to you on the 15th ultimo, respecting the bark Lyra, I have now to transmit, for your further information on the same subject, a copy of copies of letters received at this department from the United States vice-consul general at Havana, viz:

Mr. J. P. Baldwin to Mr. Savage, July 17.
Mr. Savage to Mr. Baldwin, July 19.
Mr. Savage to the governor of Havana, July 23.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Savage to Mr. Cass.

No. 25.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, August 9, 1858.

SIR: I had the honor to receive last evening your despatch of the 16th ultimo, and am highly gratified at the good opinion entertained by you of my industry and manner of discharging my official duties.

I now beg leave to lay before you the following documents bearing upon the case of the brig Nancy, viz:

No. 1. The original charter-party entered into on the 14th of July, 1858, between John Williams, master of the brig Nancy, on the one part, and Don Ramon de Guerediaga, on the other part, for a voyage to the coast of Africa.

No. 2. Copy of an official letter to me, dated 25th of July, from the justice of the superior court, charged with the investigation of the case.

No. 3. Copies of two letters to me, dated, respectively, 26th and 28th of July, from Captain Williams, of the brig Nancy.

No. 4. Copy of a communication from the judge of the cause, dated 30th ultimo, advising me of his intention to inspect the Nancy on the next day, and requesting me to be present at the act.

No. 5. Copy of a letter from Captain Williams to me, of date 31st of July.

No. 6. Copy of a letter from this office to Captain Williams, dated 2d instant.

No. 7. Copy of the proceedings of discharge and examination of the brig Nancy, showing the cargo she actually had on board; the articles for which she had permits from the custom-house; effects found in the lighter that was detected by the revenue guards alongside the vessel; ditto for which permits had been obtained but not found on board; and, finally, the effects on board for which no permits had been taken out. This document also contains important remarks of the administrator of customs.

No. 8. Copies of letters, dated, respectively, 6th and 7th instant, from Captain Williams to me.

No. 9. Of an official letter from the judge of the cause, dated 6th instant, advising me of the release from arrest, or rather imprisonment, of the mate and crew of the brig, on their own recognizance.

No. 10. Copies of two letters, dated, respectively, 7th and 9th instant, from this office to the master of the Nancy.

There is one complaint upon which Captain Williams lays great stress. I have reference to the breaking open and examination of what he calls his private locker. You are aware that Captain Williams and his mate were present at the discharge of the brig on the first day. He had agreed to be present, also, to the termination of the discharge, but on the same evening he wrote me a note positively refusing to attend the next day. The custom-house authorities, in the search, opened everything in the cabin. On the day that the judge inspected the vessel, Captain Williams behaved in a very violent manner, and used very disrespectful language; and had it not been

for my forbearance I do not know what the consequences might have been to him, of his insulting behavior to the Spanish officials.

Nothing was taken from his locker by the custom-house officers or myself.

If you will be so good as to turn to my despatch of the 7th August, 1857, No. 51, you will see what I say therein respecting the brig William D. Miller, of New Orleans. The person who owned and fitted out said vessel was Don Ramon de Guerediaga, the identical one now concerned in the brig Nancy, the bark Lyra, (seized at Key West,) and I have good reason to believe, also, in the schooner Lydia Gibbs. When the federal authorities in New Orleans were prosecuting the bonds there on account of her register, I was called on by Don José Maria Morales, (co-partner and manager of the commercial house of Drake & Co., of this city, and now chief of the same house under the name and style of T. M. Morales & Co.,) to receive his affidavit respecting the transfer of the brig William D. Miller. Mr Morales declared on oath that this vessel had been sold to Don Ramon de Guerediaga, a Spanish subject that he had left to the master; (Captain Roberts) to do everything that was requisite and proper, but the master, instead of seeing to the register being retained at the consulate, did not make known to this office the sale of the vessel, and merely transferred the command to his mate. I regret that I have not in my possession a copy of the affidavit to send you. I presume, however, that you can easily obtain one, or the original itself, from the United States district attorney in New Orleans. The declarations of the witnesses, George Williams and Edmund Bennett, sent by me to New Orleans in August last, and of Mr. Morales, leave no doubt that the William D. Miller did, under American colors, and though cleared for Montevideo, proceed to Africa and bring a cargo of slaves to Cuba, after which she was destroyed, and that Don Ramon Guerediaga had, previous to her departure from Havana, become her owner.

Now, we find Mr. Guerediaga making a charter-party with the brig Nancy, of New Orleans, to proceed to Africa on a lawful voyage, as he and others connected with this vessel want to make us believe. Besides his connexion with the Miller, I have other reasons to entertain the belief that this charter-party was intended as a "blind" or "cover." Please compare the handwriting of the Nancy's charter-party with that of the Lydia Gibbs sent you with my former communication. *I know whose handwriting it is.* If this person could be *compelled* to speak the truth, I doubt not we should discover that *Juan Campa*, the charterer of the Lydia Gibbs, is Don Ramon Guerediaga himself. I know from whom came anonymously the charter-party and bill of lading of the Lydia Gibbs, which I sent you with my despatch No. 24. He is the same person who, if his own statement to me is to be believed, placed on board the Lyra the $7,000 that the master of this vessel absconded with from Key West. He told me that the money was intended for the purchase of oil, &c., &c. Whether this was really the object for which the money was shipped, I have no means of knowing, but I am not inclined to believe it. He is the same person that, on the 5th instant, gave me the following information in regard to the Lydia Gibbs. This vessel was captured on the

oast of Africa by a British war steamer. It appears that she was oarded by the commander of the man-of-war, who examined her pa-ers, and finding them in order, after many friendly courtesies, retired om the schooner. That same day a difficulty occurred on board with ne of the crew, who was put on shore. This man succeeded in get-ing on board the man-of-war, and reported that the Lydia Gibbs was slaver; that she had the slave deck prepared, and the negroes were already on shore to be put on board the next day, which led to her capture. I do not know what became of Captain Watson and the crew, nor whether she had her papers on board at the time of capture, or these had been made to disappear.

Subsequent to the date of my despatch of the 25th instant, I was confidentially informed by a gentleman holding a prominent position here, that the Lyra was loaded by Guerediaga; that she was cleared by him under a fictitious name. The permits for shipping the cargo were, it appears, obtained under fictitious names. This seems to be also the case with the permits of the brig Nancy. Add to the forego-ing the reports current here, that the Nancy had once before, in com-mand of her owner, M. N. Roderich, brought to Cuba a cargo of slaves. This is a subject of public conversation on the wharf of Havana, and I hear it has also been reported in New Orleans. Still, though morally convinced, I am not able to produce evidence to sustain this fact. From the foregoing remarks, I judge there is more than "probable cause of belief" that the Nancy was really intended to proceed upon a slaving voyage, and more specially when we consider the nature of the cargo she had on board, such as: seventy pipes of sweet water, two large iron pots, knives, a large quantity of lumber, &c., &c.

The case is still pending before the court. In the event that the court should decide there is no cause to detain the vessel and crew any longer for violation of the Spanish laws, (and I am advised by promi-nent lawyers here there is a law that forbids the fitting out of vessels under any flag in Spanish ports for the slave trade,) I will take the responsibility, in the absence of instructions from the department to the contrary, of not permitting the vessel to go to sea with her present cargo. This is my positive determination. I must, however, regu-late my conduct according to the *evidence* the Spanish authorities may furnish. The captain was released from the jail on the 26th, and the crew on the 6th instant. The judge told me on board the Nancy that he had released the captain illegally, on his own responsibility, in courtesy to me, and gave me the assurance that he would have the crew released as soon as it could be done. Don Ramon Guerediaga is still in prison. The court ordered his release on bail, but he is retained on account of his connexion with the Lyra.

The mate of this vessel, who came in here in a sloop from Key West, has also been in prison for several days. I wrote to the gov-ernor of Havana, requesting him to inform me on what grounds the mate, whose name is Peter William From, had been put in prison, and how long he was to be kept there. The governor promptly re-plied that Mr. From was detained for the investigation into the object of the Lyra's voyage, and that he hoped he, the mate, would be soon released.

In the matter of the brig C. Perkins, in my communication of the 25th ultimo I advised that Mr. Durañana was in prison. That was a mistake. He has absconded. I accompany a copy of the summons to him, through the official gazette, to present himself before the court.—[No. 11.] His factotum, Don Joaquin de Lequerica, who loaded and cleared the brig, has been and is still in prison. I also enclose a document showing the result of the discharge of this vessel. The case is still pending before the court.—[No. 12.]

I earnestly beg of you to send me instructions upon these matters. I have no precedents in the office to be guided by.

I have the honor to be, with high respect, sir, your obedient servant,

THOS. SAVAGE,
Vice-Consul General.

Hon. LEWIS CASS,
Secretary of State of the United States, Washington.

No. 1.

Charter-party.

It is this day mutually understood and agreed upon, between John Williams, in behalf of the owners of the American brig Nancy, of 219 tons, whereof J. Williams is master, now lying in the port of Havana, on the first part, and Don Ramon de Gueredíaga, merchant, on the second part, as follows:

That the said vessel being tight, staunch, strong, and in every respect fitted for the intended voyage, Captain Williams shall receive on board said vessel a full and complete cargo, to consist of such legal goods or merchandise as the charterer may see proper to send, including ninety empty casks or pipes, which shall not exceed what she can reasonably stow and carry, over and above her tackle, apparel, provisions, and room sufficient for the accommodation of the officers and crew, and which cargo the said parties of the second part hereby agree to furnish at Havana.

The said vessel being so laden, Captain Williams shall, with all possible despatch, make sail for the Port of Rio Lagos, on the coast of Africa; call first at Porto Seguro, Popo Chico, and Ayuda, and deliver his cargo, if requested by the charterer's agent, at either of these places, or so near thereunto as she may safely get; and, on his arrival at the port of discharge, make a true and faithful delivery of the cargo, according to custom and the bills of lading, to charterer's agent.

In consideration whereof, freight shall be paid on unloading and right delivery of the cargo at the rate of seven thousand five hundred dollars before the departure of this vessel, and the balance on her return to New York, provided she is not detained on the coast over three months' time; *and if over*, Captain Williams will receive forty-five dollars per day.

The lay days shall be as follows: ten days for loading; after the

of which time demurrage shall be paid at the rate of
ɜ dollars for each and every day, as it may become due.
ɡo shall be taken in and discharged accoraing to custom of
tive ports of loading and discharging at the expense of

ɜel shall be consigned at Rio Lagos, &c., to the order of the
ants, paying no commissions.
ɾther understood and agreed upon that, on arrival of the
he coast, Captain Williams will receive on board a cargo of
and thence proceed to New York; and should he require the
empty casks or pipes for ballasting his vessel outward, he
hem with water, binding himself to deliver them in a fit
to be filled with oils; and if otherwise delivered, he is to
pense of repairs, &c., &c.
the due performance of the several articles of this agree-
respective parties do hereby bind themselves each unto the
ıe penal sum of four thousand dollars. Restraint of rulers,
God, fire, and all and every of the dangers of the seas,
navigation, of whatever nature and kind, always excepted.
ıony whereof, the respective parties have hereunto set their
Havana, this fourteenth day of July, in the year one thou-
hundred and fifty-eight.
to the signatures:

RAMON DE GUEREDIAGA.
JOHN WILLIAMS.

No. 2.

[Translation.]

t under a special commission; clerk, Don José Soroa.

esterday's date was delivered to me your communication to
at there should be transmitted to you the original charter-
he American brig Nancy which her captain delivered to the
y of police in the act of giving his declaration to that
y; and as there appears in the process a translation of the
act, attested by the government interpreter, by Williams
y the judge and notary who were acting, I have deemed it
ɔ accede to your request, and consequently accompany the
ioned original contract.
eem it proper to inform you that Captain Williams having
ay petitioned for his release from the jail, I have acceded
lacing him at your disposal, with the object that he shall
mself in my court whenever the summarial proceedings that
ɣing on shall require him to be present for some personal act.
se have the satisfaction of assuring you that all and every-
; is legally possible will be done by this court to attend to
nmendation, relieving the crew of the imprisonment they are

undergoing, in the understanding that it shall not exceed the time absolutely necessary, as is done with all persons accused, as a general rule.

God preserve you many years.

HAVANA, *July* 25, 1858.

MARIANO PALÁU DE MESA.

The CHARGÉ OF THE CONSULATE GENERAL *of the United States.*

No. 3.

HAVANA, *July* 26, 1858.

DEAR SIR: I have the honor of reporting to you I have been released by the Spanish judge before whom my case was brought, without the consular intervention in my behalf, to which I was entitled. I think such a case has never before occurred; that if you had remonstrated against my being taken from my vessel and to prison until investigation of the vessel was made, I should not have had eight days of unnecessary detention in the Tacon jail. I have also to advise you that seven of my crew are still unjustly detained in prison, one of them being in the hospital, against which I must continue to protest.

Dear sir, I remain your obedient servant,

JOHN WILLIAMS.

THOMAS SAVAGE, Esq.,
Vice-Consul and Acting Consul General
of the United States for the Island of Cuba.

HAVANA, *July* 28, 1858.

DEAR SIR: I have the honor of reporting to you that the crew of the American brig "Nancy" yet remain in prison. I called on the judge yesterday with a memorial for their release, when the judge advised me that you had reported the men as foreigners, not as citizens of the United States. If they are foreigners, I do not perceive why they should be detained in prison at your suggestion. But I am compelled to advise you that the men were shipped according to law by a shipping master in the port of New Orleans, who is under ten thousand dollars bonds for the correct performance of his duty. If there is any question as to the legal shipment of my crew, it must be determined in New Orleans between the collector of that port and the shipping master there, and cannot be *constructed* as evidence against the brig Nancy, nor is it evidence of any criminal intent against Spanish law or custom jurisdiction; wherefore there is no right either with the consul general of the United States or the Spanish executive authorities to cause their incarceration, and I therefore earnestly protest against this action of their imprisonment, and beg you to cause their immediate release. I must further advise you that the

igs Tallulah and Chase, which have just entered this port, have the me defect in their articles which you have charged against those of e brig Nancy and many other vessels, from the impossibility at the ry instant of sailing of conforming precisely to the letter of the law hile the spirit is not violated, and has been often sanctioned in the me way by the collector of New Orleans, on the part of the shipping ister, who is a sworn officer and under bonds, as before stated. I ve still further to advise that John Collin, carpenter, and Louis oso, second mate, have their protection papers. You will also ase remember that one of the crew now in prison, who wished to discharged from the brig, and to which I assented, you positively used to discharge him, and ordered him back to his vessel. One of crew, who died in Belot's hospital, was a protected man; the mate, o went in the Russian brig, was also protected. This desertion s reported to you at the time. Two of the crew also deserted, as I orted to you in prison, one named Charles Barnes and the other recollected, were also protected men, one born in the United tes and the other a naturalized citizen of the United States, and ers of the crew were protected, or else they would not have been pped by the shipping master in New Orleans. I have still to ad- e you, to save you from making any further inquiry, that I was n in Boston, in the State of Massachusetts, of the United States, ich you represent, on the 20th day of December, 1820; that my her, John R. Williams, is or was lately residing in Concord, New mpshire, and aged 68 years, and if you want any evidence as to e fact, it can be procured for you. Also, I beg to refer you to the stom-house in New Orleans, where probably you can obtain more eliable information than is to be had in the streets in Havana from strangers. Being aware that you have the charter-party of the brig "Nancy," I have to request that you will return it to me, where it belongs, for the protection of the interests placed in my charge.

Dear sir, I remain your obedient servant,

JOHN WILLIAMS.

THOMAS SAVAGE, Esq.,
Vice-Consul and Acting Consul General
of the United States for the Island of Cuba.

No. 4.

[Translation.]

HAVANA, *July* 30, 1858.

Consequent to your communication of yesterday's date, I have decided to effect an examination on board the brig "Nancy" on the 31st instant, at 7 a. m., during which act the wearing apparel belonging to Captain John Williams may be delivered to him.

And I advise you thereof in order that you may be pleased to at-

tend the act, and take off the seals of the consulate under you charge, placed on the said brig's hatches.

God preserve you many years.

MARIANO PALAU DE MESA.

The CHARGÉ *of the Consulate General of the United States.*

No. 5.

HAVANA, *July* 31, 1858.

SIR: I have been much mortified as well as surprised by the di coveries of this morning on board of the brig Nancy, that you had co descended from your elevated position to cause, or to permit in you presence, the violation of my private desk containing my papers an clothing. Why did you have my desk broken open when the key which was in my possession, would have been given to you at any moment? for I have nothing to conceal from you, and less from justice. This proceeding shows that you were actuated by some secret motive and object that you feared openly to avow, and which was inconsistent with the due course of an upright, honorable, honest mind in the discharge of duty under a sense of justice. It seems that you have hoped sentence upon the Nancy, and are now anxious to construct testimony to bare your actions open. You might as well have taken a pocket-book from my person as to have abstracted from my private desk, or as to retain my charter-party, against all of which I call upon you to protest, in my name and behalf, against the acting consul general of the United States and all implicated in said violation of my personal and official rights. You have said, too, that nothing was taken from my desk. I cannot refer confidence where you acknowledge that you permitted or caused it to be broken open when there was no necessity therefor, unless you had some secret motive inconsistent with justice.

Dear sir, I remain your obedient servant,

JOHN WILLIAMS.

THOMAS SAVAGE, Esq.,
Vice-Consul, acting Consul General for Island of Cuba.

No. 6.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, August 2, 1858.

SIR: To the several letters you have addressed me since your arres I have returned no written answers, because I did not think any we required.

Your conduct on board the Nancy last Saturday morning was qui *disrespectful* to the Spanish judge and officers of the customs that we

present, and especially to myself, but no notice was taken of it; and if your letter of the same date were less so, I would, perhaps, deem it not improper to give you some explanations in respect to the course I have considered it my duty to pursue in your unfortunate affair. But, under the circumstances, I will give explanations to none but my government.

Your protest against me and whomsoever else it may concern, is on file, and a copy of your letter will be forwarded, together with the original charter-party, to the government at Washington. A certified copy of the said charter-party is herewith enclosed.

Your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Captain JOHN WILLIAMS,
Master of the Brig Nancy, of New Orleans.

No. 7.

ADMINISTRATION GENERAL OF ROYAL MARITIME REVENUES,
Havana, July 26, 1858.

I transmit to your lordship the original expediente of the discharge and examination of the American brig Nancy; and therein your lordship will see, not only the whole cargo of the vessel and the effects composing the same, but also such as were embarked without permission of this custom-house, and likewise those that were not found on board, notwithstanding they were included in the policies numbered one and two, fulfilled by the resguardo, (corps of revenue guards.)

The consequences that may be deduced from the nature of the entire cargo of the brig Nancy are no longer within the jurisdiction of this custom-house, whose sole duty is to propose to your lordship the confiscation of the effects fraudulently shipped, and a fine of equal value to be exacted from the vessel's consignee. The articles 175 and 176, reformed of the custom-house regulations, prescribe these two penalties for all articles that are an excess of the clearance manifest or permits taken out; and as all the effects not included among the articles that are in transitu and the policies numbered one and two are in this case, they have incurred the penalty of confiscation, and for the same reason has only incurred the fine the consignee of the vessel, without whose permission they could not have been carried on board.

It would be unnecessary for me to say any more to your lordship were it not for the protest that the captain of the brig Nancy made on the 22d of this month, predicated upon the fact that the seals upon the main hatch were not the same that had been placed thereon by me on the 17th.

That the seals were different is undeniable; and, in my communication of the 21st instant, I made known to your lordship that I had taken them off, being accompanied in this act by the commander of the revenue guards and the inspector of wharves, for the purpose of examining the cargo, that was *necessary* to put on shore to ascertain

all that the vessel had, pursuant to the order of his excellency the superior civil governor and captain general of this island.

The first seals had been put on by me on the 17th, not as a guarantee to the captain, but against him, and to defend exclusively the interest of the exchequer of the revenue, injured by the fraudulent shipment that had been made upon the brig Nancy; and, as administrator, was authorized to raise them without taking the captain into account in the same manner that I am authorized to raise, and as I do raise whenever it is necessary, seals that are placed upon the hatches of the greater part of vessels entering the port against which suspicions of fraud are entertained.

The seals are likewise put on and raised repeatedly by the resguardos (revenue guards) without protest from the captains of the suspected vessels, they having no legal intervention in these acts, as no such right is granted them by the articles 115 and 119 of the regulations governing the revenue guards. And with greater a reason am I authorized to do it, because the administrator of the customs is chief of the force of revenue guards, which is under his admitted orders, according to the ninth article of the custom-house regulations of 29th August, 1845. This authority not being questionable, and having not merely suspicions, but a certainty of the fraud committed in the brig Nancy, I proceeded, on the 21st, in company with the commandant of revenue guards, to open the main hatch, and to examine the whole of the vessel in the form prescribed by articles 10 and 11 of the regulations aforesaid, wherein the administrator of the custom-house is authorized to effect visits, examinations, and search (fondros) of vessels entering and leaving the port; to prevent their departure, and to order their total discharge, even at the extraordinary hours, whenever he shall have well-grounded suspicions that any fraud has been committed in them against the exchequer.

These brief considerations are sufficient to demonstrate how groundless is the protest of the brig Nancy's captain against an act practiced by the administration general in the use of its legitimate authority; and still more so, when it is considered that the principal effects shipped without the permission of the custom-house, and which more seriously involves the consignee and captain, consists of seventy-five pipes of sweet water, five thousand three hundred and seventy feet of lumber, and three bundles of iron of tree-nails, (cabillas de hierro,) which the administrator, the commandant of the revenue guards, and the inspector of wharves could not carry aboard or introduce in the hold of the vessel during the four minutes that the hatch was opened on the 21st instant.

Therefore, on the part of this administration general, have been carried out the directions that both his excellency the superior civil governor and your lordship were pleased to give; and I have only to add that the effects discharged are in the mercantile deposit, and

wait your lordship's orders to proceed, pursuant to regulations, in respect of those that appear fraudulently shipped.

God preserve your lordship many years.

BONIFACIO CORTEZ.

The INTENDANT GENERAL *of the Army and Royal Exchequer.*

MANUEL MARIA CARBAJAL.

Correct.

CORTEZ.

No. 8.

HAVANA, *August* 6, 1858.

SIR: In the certified copy of a protest made on my behalf on the 24th of July, ultimo, which you sent to me enclosed in a letter under date the 2d instant, it is expressed, to wit: that you did not object to my imprisonment, because the Spanish authorities, both verbal and written, were in possession of evidence to sustain the charge; and second, that in the protest against my imprisonment nothing is said about my private desk having been broken open without my knowledge and in your presence, and I desire this part to be mentioned in the protest aforesaid.

Besides that, my mate and crew have been released to-day, and I have immediately presented them to you, requesting your protection for them and for me. Your answer was, that you did not see that you could do anything for me or for my crew; and I want this fact to be mentioned, also, in the protest. Both facts having occurred, I think you will have no objection to my request; and I hope you will be kind enough to give me a certified copy of the additional protest, with the foregoing explanation.

Respectfully, your obedient servant,

JOHN WILLIAMS.

THOS. SAVAGE, Esq.,
Vice-Consul and Acting Consul General
of the United States for the Island of Cuba.

HAVANA, *August* 7, 1850.

SIR: I have your official letter of this date, and note contents. Yesterday, when my crew were released from prison, I accompanied them to your office, as I thought duty required me to do so. I asked of you protection or disposition of the men, and you stated to me, in their presence, that you could do nothing for them. I accordingly did the best in my humble power to provide for them for the moment. I am most happy to find that reflection and more mature deliberation has had its effect with you, and that you have assumed jurisdiction in

the matter of their case. If the brig Nancy had not been wrongfully taken from my command, and I was permitted to proceed with my *lawful and honest business*, I should protest against the discharging my crew; but as power beyond my control has deprived me of the brig and interrupted my business, I can have no responsibility as to the crew; and the cause why I cannot have has already been sufficiently explained in previous protests. They are with you.

I beg leave respectfully to refer to my letters of July 28, instant, in relation to shipment of my crew.

Most respectfully, your obedient servant,

JOHN WILLIAMS.

THOS. SAVAGE, Esq.,
Vice-Consul and Acting Consul General
of the United States for the Island of Cuba.

No. 9.

[Translation.]

Court by special commission.—Notary Don José Soróa.

HAVANA, *August* 6, 1858.

On this day have been set at liberty, on their own recognizance (caucion juratoria), the mate Mr. Louis Teoso, and the seamen Don Antonio Martinez, Don Miguel Vidal, Mr. John Collins, Vicente Ferreina, Mr. John Dervis, and Nicholas Fothe, in consequence of the summarial proceedings I am carrying on upon the detention of the Am. brig Nancy.

Which I communicate to you, consequent to your official letter of the 24th of July last.

God preserve you many years.

MARIANO PALÁU DE MESA.

The CHARGÉ *of the Consulate General of the United States.*

No. 10.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, August 7, 1858.

SIR: The persons named, respectively, John Collin, Michael Vedo, Nicholas Theodore, John Davis, and Vicenzo Toreno, who came to this port, forming a portion of your crew, have on this day requested me to discharge them from the brig Nancy. I make this known to you in order that you may, without unnecessary delay, show cause why the petition of the above-named seamen should not be granted.

From an examination of the brig's shipping papers, I can find nothing to show that the men Nicholas Theodore, John Davis, and Vicenzo Toreno, were legally shipped in New Orleans. The mate, Mr. Teoso, does not appear legally shipped either, but he has not claimed his discharge.

The other two men, Collin and Vedo, appear on the crew list issued by the custom-house at New Orleans.

Your obedient servant,

THOS. SAVAGE,
Vice-Consul General.

Capt. JOHN WILLIAMS,
Master of the Brig "Nancy," of New Orleans.

No. 11.

UNITED STATES CONSULATE GENERAL,
Havana, August 9, 1858.

SIR: Your letter of the 7th instant, in answer to mine of the same date, reached me on that evening.

For reasons stated in my said letter, which I now reiterate, I do on this day discharge the seamen Nicholas Theodore, John Davis, and Vicenzo Toreno. You will please pay, or cause to be paid, into this office the balance of wages due to said seamen, if any there be.

The mate, Mr. Teoso (who, though not legally shipped, has not asked for his discharge), and the seamen John Collin and Michael Vedo, must remain attached to the brig Nancy until they shall produce sufficient cause to demand their discharge.

Your obedient servant,

THOS. SAVAGE,
Vice-Consul General.

Capt. JOHN WILLIAMS,
Master of the Brig "Nancy," of New Orleans.

No. 12.

ADMINISTRATION GENERAL OF MARITIME REVENUES,
Havana, July 21, 1858.

To-morrow, 22d instant, at six o'clock a. m., your lordship will proceed to discharge the American brig Nancy, so far as necessary to ascertain all the effects she has on board and compare the same with the permits of embarcation issued by the custom-house. You will commence this operation by drawing a statement of the condition in which the vessel is and of the effects that may be upon the deck, sending ashore all such as belong to the cargo, and causing them to be immediately conveyed to the mercantile warehouse, the requisite orders being issued for their admittance therein. You will next proceed to open the hatches, which are sealed, and to discharge the provisions and other articles in the hold, and which are also to be conveyed to the warehouses, excepting the rum and lumber that must be on board, and which are to remain in the place to be designated to-morrow. To aid your lordship in these operations I have appointed the officer

of this administration, Don Manuel Gastelumendi; and the commandant of the revenue guards will, on his part, appoint a lieutenant of the corps. You will, besides, have at your disposal an overseer with his gang, for the operations of discharging the effects and conveyance of the same to the warehouse. I have only to add that the commercial agent of the United States wishes to be present at these operations, and, for the same reason, you will not commence the same until he arrives at the place where the vessel is hauled to.

God preserve your lordship many years.

BONIFACIO CORTEZ.

The INSPECTOR *of Wharves and Harbor.*

In the ever most faithful city of Havana, on the twenty-second day of July, 1858.

By virtue of the communication from the administrator general *of* maritime revenues, at the head hereof, the persons therein named being assembled, to wit: Don Ignacio Alvarez Urrutia, inspector *of* wharves, warehouses, and harbor; Don Pedro Castellanos, a lieutenant of the revenue guards; and Don Manuel Gastelumendi, an officer of the custom-house; the chargé of the consulate general of the United States, Mr. Thomas Savage, presented himself, accompanied by the captain of the vessel, Sam Williams, and the mate, Lewis Tio, we proceeded to form the inventory of the cargo on board the American brig Nancy, commencing by the effects upon deck, which are as follows:

Five sacks of salt; ten pipes sweet water; two half pipes, empty; one half pipe rum, (which was subsequently placed under deck;) half a lighter load of wood; two beef barrels, one empty and the other containing three pieces of beef; various effects belonging to the gear and service of the ship.

We next proceeded to take off the hatches, which were sealed, at which act the captain of the vessel stated that the seals upon the hatches were not the same that had been placed thereon in his presence; that he protested against that act not having been done in the presence of his consul, and also against all consequences that might accrue to him therefrom. After this, we proceeded to the discharge of the effects in the hold, which operation lasted until after four o'clock p. m., when the hatches were sealed, to continue the operation on the following day. This was effected with the seals of the royal exchequer and of the consulate general of the United States, which we all certify to. All the persons engaged in this act signing the same.

IGNACIO ALVAREZ URRUTIA.
THOMAS SAVAGE.
PEDRO CASTELLANOS.
MANUEL GASTELUMENDI.

On the twenty-third of the same month and year, the individuals composing this commission being assembled, with the consul, and without the presence of the captain and mate, the seals upon the hatches being inspected and found in the same condition in which

e left, the hatches were opened to continue the discharge, rminated at ten o'clock a. m., with the effects hereinafter l:

one sacks of rice; forty-one large tin pitchers; twenty-one pitchers; two small wooden mills; two sacks of coffee, of 6 fifteen quarter barrels of vinegar; four sacks of corn; five jerked beef; one box of chewing tobacco; two boxes of white ve boxes of medicines; two bags of peas; six sacks of Spanish x boxes of codfish, from Scotland; one cask of salt fish; two nglish nails; one cask of ale; one box of Nantes's sardines; arrels of ship bread; one little box of potatoes, (this little box n deck;) twenty barrels of dry white wine; one barrel of ars; two boxes of cognac, (12 bottles each;) one box of d other provisions; one box of spices; one basket champagne ur boxes with tomato preserves; six boxes vermicelli, of lasses; nine and a half pipes of red wine; two large iron e cask, with strings of garlic and tin boxes of sardines; one lard; two boxes of pickles; nine barrels of American salt e barrel of gridirons; two barrels of muscovado sugar; four f white sugar; one barrel of pointed knives and tin plates ets; two boxes tomato preserves and other substances; one les; one box of smoking pipes; one box of cordials; eight f white beans; one box of soap; eight barrels white corn o half barrels and thirty-one quarter barrels American salt rty-two barrels of ship's bread; twenty-four scantlings of h 1,364 feet, according to their marks; one hundred and oards, with 4,006 feet, according to their marks.

in the cabin.—One box common plates; three demijohns of ; three demijohns, empty; two demijohns of almonds; two s of anisado, (anis rum;) four demijohns of gin; one demi-um; twenty-nine jugs of oil; one box soda biscuits; five f pilot bread; two boxes soap; one barrel of rice; two bar-n flour; two boxes composition candles; eight kegs of paint; ls of mackerel; one box of cordial; three barrels of wheat e box of preserves; four kegs of lard; ten hams; one sack one box codfish; one sack of dry fruits; one sack of flour; s cotton duck.

remain in the cabin some insignificant effects that do not to the cargo. There likewise remain on board sixteen pipes liente, (rum;) fifteen half pipes of aguardiente; sixty-five weet water.

emijohns of rum have remained in the hold, as they cannot mercantile warehouse.

oncluding the discharge of the provisions, which have been he stores of the mercantile deposit. We do not state that else remains on board, being ignorant if there is anything under the pipes.

recastle and cook's galley were also examined, and they con-othing but effects belonging to the crew and vessel's gear. ich these operations were concluded, sealing the cabin, and booby-hatch *of the vessel* with the seals of the royal

exchequer and the consulate of the United States. And the officers attending the same hereto subscribed their names at Havana, on the 23d of July, 1858.

IGNACIO ALVAREZ URRUTIA.
THOMAS SAVAGE.
PEDRO CASTELLANOS.
MANUEL GASTELUMENDI.

Note of the goods that this vessel manifested in transitu on her arrival in this port, and of the permits for embarcation issued by this administration.

EFFECTS IN TRANSITU.

10 barrels of pork; 10 barrels of beef; 6 barrels of flour; 24 barrels of ship's bread.

EFFECTS CONTAINED IN THE PERMITS.

Policy No. 1, *fulfilled by the resguardo, (revenue officer.)*—16 pipes of cane rum; 8 half pipes of cane rum; 40 quarter pipes of cane rum; 2 boxes of white sugar, with 32 arrobas; 2,000 cigars londres, weighing 26 pounds gross, 20 pounds net; 25 barrels of sherry wine; 4 half pipes of red wine; 6 barrels of vinegar; 1,000 sacks, with 800 arrobas of rice; 7 boxes, with 100 arrobas of jerked beef; 40 barrels of ship's bread; 16 barrels of corn flour; 10 barrels of beans; 1 box, with a caboose.

Policy No. 2, *fulfilled by the resguardo.*—20 barrels of salt beef; 4 half pipes of red wine; 2 boxes cognac; 9 demijohns gin; 2 sacks coffee, with 13 arrobas; 6 barrels of sugar, with 50 arrobas; 6 barrels potatoes; 1 cask of ale; 1 barrel of white wine; 1 box, with tin boxes of fruits; 1 barrel of lard; 6 kegs of lard; 30 jugs oil; 6 boxes Scotch codfish; 5 fanegas of salt; 2 boxes of preserves; 6 bags of Spanish peas; 8 boxes of vermicelli; 2 barrels of onions; 1 demijohn of whale oil; 8 hams, (Westphalia;) 4 boxes of raisins; 6 kegs of olives; 4 sacks of corn; 6 sacks of rice; 1 basket of champagne wine; 4 boxes tomato sauce; 20 barrels of ship's bread; 2 sacks of peas; 2 tin boxes of chocolate; 4 tin boxes of species of sausage.

Policy No. 3, *not fulfilled by the resguardo, (and the effects therein should not have been on board the vessel.)*—2,000 feet pitch pine lumber; 2 boxes of medicines; 10 quintals of iron bars; 98 empty hogsheads or casks.

From the comparison of the cargo the vessel had with the effects she manifested in transitu and the two policies numbered one and two, (the only ones that were fulfilled by the resguardo,) results that the following articles were fraudulently embarked:

2 half pipes, empty; half a launch load of wood; 41 large tin pitchers; 26 tin pitchers, small; 2 small wooden mills; 1 box of chewing tobacco; 2 sacks of peas; 1 cask of fish; 2 kegs of paint 1 box of Nantes's sardines; 1 barrel paper cigars; 1 case cheese and other provisions; 1 box of spices; 2 large iron pots; 1 hogshead, with garlic and tins of sardines; 2 boxes of pickles; 1 barrel of gridirons 1 barrel of pointed knives, tin plates, and buckets; 1 box of candles

box of smoking pipes; 1 box of cordials; 1 box of soap; 1 box of mmon plates; 3 demijohns, empty; 2 demijohns almonds; 2 demi- ns anis rum; 1 demijohn aguardiente; 1 box of soda biscuits; 2 es of soap; 2 boxes of composition candles; 8 kegs of paint; 5 s of mackerel; 1 box of cordials; 1 sack of dry fruits; 1 sack of ir; 5 pieces cotton duck; 1 sack of corn; 5 barrels of flour; 9 rels of vinegar; half a pipe of red wine; 6 cases codfish; 2 hams; arrel of rice; 1 box potatoes; 2 boxes of medicines; 5,370 —— of e lumber; 3 bundles of iron bars; 75 pipes of sweet water.

Notes.

First. Although the last four numbers seem to correspond to the icy No. 3, as this was never fulfilled by the resguardo, those articles ult to have been shipped fraudulently, in the same manner as all rest not included among the effects in transitu and in the policies nbered one and two.

Second. According to the note inserted by the resguardo on the morial for opening the register of the policies numbered one and of the brig Nancy, all the articles that were mentioned in those uments should have been on board. It is observed, however, that following are missing; that they either were not put on board or the vessel without the permission of the custom-house:

,000 cigars; 13 barrels of meat; 10 arrobas of beans; 22 barrels lour; 7 barrels of ship's bread; 6 pipes of aguardiente; 6 barrels white wine; 2 boxes of jerked beef; 65 sacks of rice; 2 barrels of atoes; 5 demijohns gin; 1 jug of oil; 6 barrels codfish; 2 boxes micelli; 2 barrels of onions; 1 demijohn of whale oil; 4 boxes of sins; 6 kegs of olives; 4 tins of sausages; 2 tins of chocolate; 1 e, with a caboose.

Such is the result of the acts of discharge of the American brig ncy, and of the proceedings on the clearance of the same vessel, hich have been before us for the purpose of making the comparison ferred to in the first paragraph of the official letter from the admin- tration general of maritime revenues, wherewith these proceedings mmenced.

HAVANA, *July* 26, 1858.

IGNACIO ALVAREZ URRUTIA.
PEDRO CASTELLANOS.
MANUEL GASTELUMENDI.

It is a faithful copy from the original existing in this office, and hich I attest as contador general of maritime revenues.

HAVANA, *July* 26, 1858.

MANUEL MARIA CARBAJAL.

Correct.

CORTEZ.

Don Manuel Maria Carbajal, a knight of the Spanish royal order f Charles the Third, honorary intendant of province, and contador eneral of maritime revenues, and her Majesty's appointment. I cer-

tify, likewise, that the original expediente of this vessel has been transmitted to the intendancy general of the army and exchequer with the following communication:

Mr. Appleton to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, August 16, 1858.

SIR: I transmit herewith for your information, and in order that such instructions may be given to the proper officers as the cases may require, two despatches, Nos. 24 and 25, together with the enclosures accompanying them, received from the United States vice-consul general at Havana, respecting the cases of the Lydia Gibbs, the C. Perkins, the Lyra, and the Nancy, which vessels are charged with a violation of the laws of the United States in regard to the slave trade. The vice consul general states that having no precedents to guide him in these cases, and especially in those of the Nancy and C. Perkins, he is in doubt whether his course has been entirely correct. In the event of the release of the brig Nancy and her crew by the Spanish authorities, I should be pleased to learn from you whether the evidence which has thus far been adduced is such as to authorize instructions to be given to the vice-consul general to send the captain and crew, with the vessel, to the United States for trial.

I will thank you to return the accompanying papers when you have made such use of them as you think proper.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

J. HILLYER, Esq.,
Solicitor of the Treasury.

Mr. Appleton to Mr. Savage.

DEPARTMENT OF STATE,
Washington, August 18, 1858.

SIR: I transmit herewith for your information, copy of a communication, dated the 17th instant, received from the Solicitor of the Treasury, to whom your Nos. 24 and 25, with their respective enclosures, were referred.

In view of the opinion of the Solicitor upon the evidence thus far presented in regard to the case of the "Nancy," the department does not consider it expedient to instruct you to send that vessel to the United States for trial.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

Mr. Appleton to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, August 18, 1858.

SIR: I am directed to acknowledge the receipt of your communication of the 17th instant, respecting the cases of alleged violation of the laws of the United States concerning the slave trade by certain American vessels at Havana, and to inform you that a copy of the same has been transmitted to Vice-Consul General Savage for his information.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Savage to Mr. Cass.

No. 28.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, August 24, 1858.

SIR: Since the date of my despatch No. 25, I have examined several of the crew of the brig *Nancy*. Some of the affidavits clearly indicate that this vessel was really fitting out for the slave trade, with the knowledge of her captain and officers. I have not, as yet, acted upon this evidence, because it was taken in private, without the presence of the accused. After obtaining the information I would have examined the witnesses under oath, in the presence of the captain and mate, and allowed the two officers the privilege of cross-examination, were it not that I felt certain it would lead to the necessity, on my part, to have them committed, which would, no doubt, cause further delay in the settlement of the case before the superior court. I would not volunteer to furnish the superior court evidence to the prejudice of American citizens; my calling upon the Spanish authorities for the arrest of the parties would put them on the alert, and perhaps induce them to ask me for the reasons upon which I based my action; and I should certainly refuse to enter into particulars. This might create a disagreeable feeling, which I prefer to avoid; my intention is to await the result of the trial before the superior court, which I expect will not be far off; and then proceed to the formal investigation into the charges against the vessel and officers for the violation of the laws of the United States; and, if the evidence to be taken before the accused should be sufficient, send them all to New Orleans to be there dealt with according to law. I have no time to-day to prepare copies of the affidavits taken, and of other papers bearing upon the subject; I will forward them by the next mail.

The summarial proceedings having terminated, the case was brought by *Justice Palau* before the superior court, and by them placed in the hands of the *Fiscal de la Real Audiencia* (attorney general) for his opinion thereon.

In my last communication I forgot to state my belief that the *charter-party* of the schooner *Cortez*, seized a few months since by the British gunboat Jasper, is in the same handwriting as those of the *Lydia Gibbs* and *Nancy*.

The cases of the *Lyra* and *Charles Perkins* are still pending. The second edict summoning Durañonia, the owner of the C. Perkins, has appeared in the Official Gazette; it is believed that he is concealed in this city.

The mail steamer from New York, due yesterday morning, has not yet arrived. I trust she will bring me your views upon these important subjects. By the next mail I will send you some interesting information respecting vessels that have sailed from this port under American colors, bound on slaving voyages.

I have just received a letter from Lieutenant Maffit, commanding United States brig Dolphin, advising me of the capture by him, on or about the 21st or 22d instant, of the brig Echo, (A.) Putnam, of New Orleans, under American colors, with *three hundred and twenty-eight* slaves on board, and a crew of twenty men—half Spaniards and half Americans; the prize has been sent to Charleston.

I have the honor, sir, to be your most humble, obedient servant,

THOS. SAVAGE,
Vice-Consul General.

Hon. LEWIS CASS,
Secretary of State.

Biblioteca de Legislacion Ultramarina, por Don José M. Zamora y Coronado, vol. 4, page 103, section 5.

[Translation.]

For the present and until some law has conveniently established the guarantees securing the civil liberty of all the Spaniards, no tribunals or judges shall have the right of lodging or retaining any one of them in prison without some rational and sufficient cause, and free from any arbitrariness.—(Section 6, same page.)

Every individual arrested or imprisoned, unless it be for correctional punishment or by virtue of a judgment already rendered, shall, without fail, be examined within the twenty-four hours of his imprisonment or arrest, as provided by the compiled code; and should any other pre-eminent exigencies of and pertaining to the public service prevent this from being done, the motive thereof shall be stated in the judicial record, and the judge shall care that the individual thus imprisoned or arrested be informed, within the above specified delay, of the cause of his imprisonment or arrest, and of the accuser's name, if any; examining him as soon as possible.—(Same work, page 467.)

Penal law of 1845, *for the suppression of the slave trade.*

ARTICLE 1. The captains, supercargoes, mates, and second mates ressels captured by the cruisers invested with the right of search, h *bosal negroes* on board, coming from the coast of Africa, shall be demned to six years' imprisonment in the penitentiary, (*presidio*,) ney made no resistance; to eight years, in case they made resist-e, without it resulting in death or serious wounds; and to penalties vided for by law for this class of crimes, if their resistance results ny death or serious wounds.

ART. 2. The seamen and other persons belonging to the crew of the el captured with *bosal negroes* on board, coming from the coast of ica, shall be sentenced to four years' imprisonment in the penitenry, (presidio,) should they make no resistance; and to six years in of resistance; besides the penalties they might incur should they sion any death or serious wounds.

ART. 3. The captains, mates, supercargoes, and second mates of a el destined to the slave trade, but on board whereof no slaves be d, shall suffer the following punishments: six years in the penitiary, if the vessel is captured on the coast of Africa, anchored or distance of less than three miles from the coast, engaged in the chase of slaves; four years, if the vessel is captured on the high sailing towards that point; and two years in case the vessel is arted in the port she intended to sail from.

ART. 4. The seamen and others belonging to the crew of the vessel ll suffer half of the punishments mentioned in the preceding article, rding to the respective circumstances.

ART. 5. The owners of the vessels, the persons who fit them out, owners of the cargo, and those for whose account the expedition ll have been undertaken, shall be condemned to banishment at e than fifty leagues from their residence for the same number of rs for which the captain shall have been sentenced to the penitiary, (presidio.) There shall, besides, be imposed a fine of one usand dollars to ten thousand dollars, (*pesos fuertes*,) according to seriousness and circumstances of the crime. In case of insolvency heir part, the penalty of banishment shall be increased by one r for every thousand dollars, (pesos fuertes.) They shall be exrated of all responsibility only, if they prove that they have taken no t, knowingly, in the use the captain and the crew have made of vessel for this illicit traffic.

ART. 6. Besides the penalties mentioned in the preceding article, guilty parties shall suffer that of confiscation of the vessel and of the goods found on board. The vessel shall be broken in pieces the sale thereof proceeded to by separate parts, conformably to provisions of the treaty of 1835.

ART. 7. The crimes committed on board a vessel against the *bosal roes* of Africa shipped therein shall be punished as provided for by common law.

ART. 8. In case of reiteration, the penalties specified in the fol-

lowing articles shall be increased from one-third to one-half part.—(Title 2, art. 12, 2d part, page 468.)

For substantiating said causes and qualifying the proofs of the crimes alluded to in said law, the provisions of the laws of the kingdom relative to ordinary crimes shall be observed.

ART. 13. The tribunals within the jurisdiction whereof fall the cognizance and judgment of these causes are: in the peninsula, those of first instance, with appeal to the territorial audiencias or superior courts; in the Canary islands, the tribunals of the first instance of the city of Palmas, with appeal to the territorial audiencia or superior court; and in the islands of Cuba and of Puerto Rico, their tribunals, viz: territorial audiencias in the first and second instance. All prerogatives are derogated in the trial of causes carried on upon such crimes.

Mr. Dallas to Mr. Cass.

[Extract.]

No. 121.] LEGATION OF THE UNITED STATES,
London, August 27, 1858.

* * * * * *

SIR: The claim of Messrs. Ellis & Cobb, of Boston, to be redressed for the outrages and injuries incident to the flagrantly unjustifiable arrest, seizure, and detention of their brig "Caroline" by the British war steamer "Alecto," off the Rio Nunef, during the month of May last, has been addressed to the Earl of Malmesbury. A copy of my note to him is subjoined. The evidence is yet limited to the protest of the master; and I presume Messrs. Cobb & Ellis will see the expediency of early forwarding those details to which they referred in their letter to the department of the 2d June, 1858. It would be well also that they should furnish transcripts of the register, clearance, crew-list, and shipping articles authenticated by the collector, and under notarial seal, together with the affidavit of the supercargo, Mr. Horace Tufts, in special reference to the estimated amount and immediate cause of damage or loss.

* * * *
* * * *

I have the honor to be, sir, your most obedient servant,
G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

Mr. Dallas to the Earl of Malmesbury.

LEGATION OF THE UNITED STATES,
London, August 24, 1858.

MY LORD: I have the honor to transmit for your lordship's consideration copies of certain documents received by me from the Department of State, accompanied by special instructions to found thereon a claim of redress for the outrages and damages incident to the unjustifiable seizure and detention of the American brig "Caroline," of Boston, Bradford Gibbs master, by her Majesty's steam sloop-of-war "Alecto," off the Rio "Navez," in May, 1858.

Without labored recapitulation at present, it may be stated that the features of this transaction are marked and unequivocal.

1. The "Caroline" was a fully and regularly documented vessel of the United States, owned and navigated by citizens of known respectability, frequent traders to the coast of Africa, and in no manner by her equipments, cargo, or appearance, justly giving rise to the remotest suspicion of being engaged in the traffic of slaves.

2. The "Caroline," with this official and irreproachable character, and with the flag of her country constantly flying, was hailed from the "Alecto" and ordered to heave to; was boarded by British naval officers and crews; her captain was subjected to a course of insolent interrogatory; her papers were demanded; her hold was violently opened and examined; her master taken on board the "Alecto," received the customary artful and intimidating hints that he had better throw his papers overboard, or, as expressed on the present occasion, that he had better let them and his flag "swim;" she was seized, put into the possession of a prize crew, taken into Sierra Leone, and liberated at the expiration of four days' detention, at a distance from the port to which she was destined, and with language which could only have been suggested by a consciousness of baffled cupidity and arrogance.

3. The necessarily "disastrous effects" of this unwarrantable seizure of the "Caroline" are adverted to by her owners, Messrs. Ellis & Cobb, of Boston, in their letter to Mr. Cass, of the 21st of June, 1858. All the plans of her voyage were frustrated, and the sale of her outward cargo, valued at $20,388 40, was precipitated at a place for which it was not designed.

Calling your lordship's candid and scrutinizing attention to the accompanying papers, I cannot withhold the expression of an earnest hope that her Majesty's government will recognize in the circumstances detailed a just and impressive ground for adequate and early redress.

I beg your lordship to accept the renewed assurance of my highest consideration; and have the honor to be your lordship's most obedient servant,

G. M. DALLAS.

The right honorable the EARL OF MALMESBURY,
&c., &c., &c.

Mr. Savage to Mr. Cass.

No. 30.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, August 29, 1858.

SIR: The mail steamer Daniel Webster, that arrived three or four days since from New York, brought me no favors from the department.

I beg leave to lay before you the following copies of communications having reference to the case of the brig Nancy, of New Orleans, viz:

Of a letter addressed to me by the master of said vessel, dated 9th instant.

Of an official letter, dated 12th instant, from the justice of the superior court of Havana, Don Mariano Palâu de Mesa, requesting me to cause the master of the Nancy to appear before him on the next day for re-examination of said master.

Of a letter, dated 14th instant, from Captain Williams, of the Nancy, to me directed. This letter is a peculiar one, and unless I am greatly mistaken, like the greater part of those received from him, not the composition of Captain Williams, but of Mr. Francis D. Newcomb, the defaulting surveyor general of Louisiana. The contemptible instrument alluded to in Captain Williams's letter as the suborner of his crew is entirely unknown to me. That I did call his crew, and examine them for the purpose of eliciting from them such information as I could in regard to the affair of the brig Nancy, is undeniable. I deemed it my duty to do so when I learned, as I did learn, that some of them were willing to state what they knew of the doings on board of said vessel.

Mr. Newcomb has not been the only adviser of Captain Williams. He had the weakness to become the instrument of a certain set of slave traders in this city, who have been, for some time past, making use of our flag for their nefarious purposes, and whose exponent and abettor is Don Antonio Cabarga, a shipchandler, who has made so much money out of our mercantile marine, and also of the American and British men-of-war that have visited this port for some years past. This is the man whose handwriting is in the charter-party of the schooner Cortez, and in those of the schooner Lydia Gibbs and brig Nancy. He is the same man who informed me on the 5th instant of the capture of the Lydia Gibbs on the coast of Africa, and the same who claims to be the owner of the $7,000 that the captain of the bark Lyra absconded with from Key West. He exhibited to me this morning the bill of lading signed by the master of the Lydia for these very $7,000, written in the same hand of those three charter-parties; he asked and obtained of me a certificate, to-day, to the effect that a note had been taken in this office on the 5th ultimo of these $7,000 being a portion of the cargo that the Lyra cleared with; he gave me to underderstand that he would send this certificate, together with the bill of lading, to Senator Mallory, of Florida, said to be now in Washington city, for the purpose of recovering by some means this sum of money, and, if need be, of claiming it from the ship, even in the event of her being condemned by the admiralty court in Key West. Would there be any difficulty in obtaining from Senator Mallory this

bill of lading, for the purpose of comparing the handwriting thereof with that on the charter-parties above mentioned?

I also enclose a copy of a letter from Captain Williams, dated 25th nstant, accompanying what he calls a copy of a letter addressed to him y the crew of the Nancy. This letter, purporting to have come from he crew, was concocted, on the evening of the 23d instant, in a pri-ate room in the store of Mr. Cabarga. I became aware of this on the ext morning early; after some consideration I decided to await the sult. On the evening of the 26th I received these precious communi-tions. I became convinced that the parties interested were tamper-g with the crew; I consequently concluded that the forbearance ercised by me to that day in behalf of the captain and mate had ased to be a virtue, and immediately summoned John Williams, aster, and Luis Teazo, the mate, to appear before me the next orning at ten o'clock, at which time I proceeded to examine, in their esence, as well as in the presence of other respectable gentlemen, e crew of the brig Nancy.

The persons who witnessed these proceedings will, I have no doubt, stify to the fairness with which the same were carried on. The stimony obtained would be sufficient to justify me in securing the ptain and mate in prison, also the steward of the vessel, as perjurer. is evident that the crew have been tampered with, and induced to ithhold the truth. As to the letter concocted at Mr. Cabarga's store, e evidence of the crew reduced it to nothing at all.

Still, I have not put the culprits in prison; I have deemed it more pedient to await the result of the trial before the real audiencia; e case is still in the hands of the fiscal. I have used some en-avor unofficially to have the matter brought to a termination, and have some reason to believe that the decision of the court will be ndered during this week. In the event of the court releasing the ssel, officers, and crew, I will seize and send her, together with the rsons thereunto belonging, to New Orleans, at the disposal of the nited States authorities.

In this matter of the brig Nancy, I have, in a previous communi-tion, stated my belief that she had already, at least once before, ought a cargo of slaves from Africa to this island in command of r owner, Mr. M. N. Radowich. There is an item of information I ve to-day received which may be of some importance to consider. nderstand that she was at Pensacola in the month of January of is year, where she was fined for not having her papers in order. I ow she was at that port, from whence she proceeded to Yucatan, en came here, from hence went to New Orleans, and from there ne back here. Would it not be well to call upon the collector of nsacola for the necessary information upon this point?

It is impossible for me to send by this conveyance (for want of time) pies of the two sets of depositions taken from the crew. I will deavor to have them prepared and forwarded by the next mail.

The affair of the "C. Perkins" is still before the Spanish court. r. Peter William From, mate, and David White, seaman, of the rk "Lyra," both of whom were retained in prison here, and in hose behalf I have interceded, have been released from prison and

placed at my disposal. I enclose a copy of the communication, dated yesterday, to me from the judge charged with the investigation to ascertain whether the "Lyra" was actually fitted out in this port to engage in the slave trade. There are two or three vessels under American colors now lying in this port that appear under rather suspicious circumstances. I understand it is their intention to fit out, whether in this port or elsewhere in some out-of-the-way place, for a slaving voyage. I have my eye on them.

This is such a lengthy despatch that I feel loath to further tax your patience with this disagreeable subject; still, I crave your indulgence to call your attention to the enclosed list of vessels which, under American colors, are known or believed to have engaged in or been fitted out for the slave trade.

I have the honor to be, sir, with high respect, your obedient servant,

THOMAS SAVAGE,
United States Vice-Consul General.

Hon. LEWIS CASS,
Secretary of State of the United States, Washington.

HAVANA, *August* 9, 1858.

SIR: I have your letter of this date notifying me that you have decided upon discharging the seamen of the brig Nancy, Nicholas Theodore, John Davis, and Vincent Toreno, and calling upon me to pay wages, if there be any due to them. When I am placed in charge of the brig *Nancy and her crew* I will meet all obligations of the vessel incurred by my acts or agreements. As long as I remain illegally deprived of my vessel I have no means to meet any liabilities, especially of contracts that were not intended to be matured in Havana, as those who have charge of the brig and crew must provide all else.

I remain your obedient servant,

JOHN WILLIAMS.

THOMAS SAVAGE, Esq.,
Vice-Consul, and Acting Consul General of Cuba.

[Translation.]

Court by commission; notary, Don José Soroa.

In the proceedings by me instituted for the seizure of the American brig Nancy, which was about sailing for Africa, I have resolved upon directing you this letter, so that you may please give timely order to Captain *John Williams* to appear on the morning of Friday, the 13th instant, before this "real audiencia" to complete a certain act of justice.

God preserve you many years.

HAVANA, *August* 12, 1858.

MARIANO PALÁU DE MESA.

HAVANA, *August* 14, 1858.

As in duty bound, in protection of my own rights, and the
ts of others placed in my care, I am compelled to protest
; the action now taking place in your office to my prejudice,
the prejudice of the interests of the brig Nancy, in examining
w of the said brig without notice to me, after they have been
xamined, tried, and set free of prison by the Spanish authori-
The men of my crew, ever since they were taken out of prison,
een dogged by a creature *procured and paid for to drink* and
with my men, and by him they have been, *one or more of them*,
ted to your office, where, with closed doors, you are holding a
ır requisition in the presence of the secret suborner and only
er. The man used for this degrading business all honest men
community would blush to be seen associated with, which I
mention that you may not be in ignorance, if you are so, of
ılity of the tools in your service. Let me be present with you,
ne know what further violation of my rights and justice are
plated, that I may defend myself. Secret night assassins may
'antage of me, but truth will defend me from all other pursuits.
ır examination of the crew of the brig Nancy now, or at any
believe there will be no impropriety in my being present; for
consideration, for reason of the secret and undue influence
ted to be practiced upon my men, and for the general interests
noting the cause of justice, I do most solemnly protest against
roceedings as *ex parte*, unlawful, and in violation of the juris-
of the country, after the actions of its tribunals.
ır as you are concerned personally, if you would avoid the inevita-
clusion that you are striving to *prove or construct* a case to meet
ɛst *denunciation* to me on the deck of the brig Nancy, it would
er to have open doors in the United States consulate general,
of secret sessions, giving permission to those interested to be
. Excuse an humble man's advice; the new lights of law
ıg through the bars of the Tacon prison and the windows of
ited States consulate I am not yet fully familiar with, but have
ough to sincerely pray for deliverance therefrom. You will
ınderstand that I state facts, and would do so without inten-
disrespect.

Your obedient servant,

JOHN WILLIAMS.

IAS SAVAGE, Esq.,
Vice-Consul, and Acting Consul General, Cuba.

HAVANA, *August* 25, 1858.

I hand you a copy of a letter received from several of the
the American brig Nancy, of New Orleans, late under my com-
for your advice, and the files of your office. Protesting against
·oceedings, as represented by them, as being calculated to pre-

judice wrongfully the cause of the owners of the brig Nancy; inducing a spirit of insubordination among the crew, which would be inconsistent with good order and discipline, should I have further occasion for their services, or should they be shipped on board of other American vessels; as well as for other moral reasons, apparent to you and others on reading their statement. The proud spirit which will not *receive*, should alike scorn to throw temptation in the way of more humble worth.

With due respect, your obedient servant,

JOHN WILLIAMS.

THOS. SAVAGE, Esq.,
Vice-Consul, and Acting Consul General in Cuba.

HAVANA, *August* 23, 1858.

DEAR SIR: We, the undersigned, seamen of the brig Nancy, consider it our duty to inform you that the American consul has sent for us several times to sustain his charge, as regards the seizure of said brig; which charge we knew nothing of. He stated to us if we would state the truth that he would provide for us; we told him we would state nothing but truth; which we did. He then said he would imprison us for one or more years, as we did not coincide in his opinion. Not only that, he has kept us in the consulate of the United States, with closed doors, for several hours in succession. When we would not testify falsely, he ordered us out of the office. He further stated that you would do nothing for us. And, if such is to be the result of this, we beg of you to inform us of facts, so that we may try to get away from this port, after you pay us what wages are due to us; and, at the same time, our discharge, that we may be entitled to ship in the first vessel that may offer.

NICOLAS TEODORE.
VINCENT TORENO.
JOHN DAVIS.
JOHN COLLIN.

I, the undersigned, cook of the American brig Nancy, do say that the contents of this letter are all correct, excepting that the consul never told me that I had no business to look to my captain for any assistance; neither did he offer to imprison me; but he offered to pay my board, and pay me one dollar per day whilst detained in this port.

MICHAEL VIDALL.

HAVANA, *August* 23, 1858.

We, the undersigned, were called upon by the persons who have signed the foregoing letter to witness the signatures of Nicholas Theodore and Michael Vidall, and to sign for Vicento, John Davis, and John Collin, who made their marks in our presence, saying that the letter was true, and conveyed what they desired to know from the captain. We were also requested by Captain John Williams, of

the brig Nancy, to comply with the request of his crew; and therefore witnessed the signatures and marks as made to the document herewith.

A. CABARGA.
A. ORFILA.

Captain JOHN WILLIAMS.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, August 26, 1858, *at* 6 30 *p. m.*

SIR: I have just received your communication of yesterday, with its enclosure, contents of which are noted. I hereby require of you to appear at this office to-morrow, at 10 o'clock a. m., when I will proceed to examine, in your presence, the crew of the brig Nancy, to investigate certain charges alleged against you of being concerned in fitting out this vessel for the slave trade.

Your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Captain JOHN WILLIAMS,
Master of the brig Nancy, of New Orleans—Present.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, August 26, 1858, *at* 6.30 *p. m.*

SIR: You are hereby required to appear at this office to-morrow, at 10 o'clock a. m., when I will proceed to examine, in your presence, the crew of the brig Nancy; to investigate certain charges alleged against you, as one of the officers of said brig, of being concerned in fitting her out for the slave trade.

Your obedient servant,

THOMAS SAVAGE, *Vice-Consul General.*

Mr. LUIS TEOZO,
Mate of the brig Nancy, of New Orleans—Present.

[Translation.]

Judged in committee.

DN. JOSÉ SOROA, *Es'no.*

I have this resolved upon, setting free, under oath, the American seamen, David White and Peter Williams Louis, whom I have also informed that they are to remain at the disposal of your honour, and amenable for the cause I have instituted, to ascertain if the American brig Lyra sailed from this port to go to the coast of Africa and fetch bozal negroes.

Which I make known to you for your own knowledge and further consequences.

God preserve your honor many years. Havana, August 28, 1858.

MARIANO PALÁU DE MESA.

The CHARGÉ OF THE CONSULATE *of the United States.*

List of vessels which, under American colors, are known or believed to have engaged in or been fitted out for the slave trade.

The following were reported by Mr. Thomas Savage, then in charge of the United States consulate general, in his despatch to the State Department numbered 51, dated August 7, 1857.

Bark Minnetonka. This vessel landed a cargo of slaves in Cuba, then proceeded to a port unknown, but believed to be Yucatan, where she refitted, proceeded again to the coast of Africa, and was there captured by a British cruiser.

Schooner Joseph R. Record, captured September 4, 1857, in the Bight of Benin, by the British cruiser Antelope, with 191 slaves on board.

Brig Robert B. Lanton landed 450 slaves on the north side of Cuba, and is reported to have been afterwards burnt.

Schooner Abbott Devereux, captured August 1, 1857, by the British cruiser Teazer, with 270 slaves on board.

Brig Telegraph landed a cargo of slaves on the south side of Cuba near the Isle of Pines; this vessel is said to have brought a number of American captains whose vessels had been captured on the coast of Africa. This expedition is reported to have proved a disastrous one from the great mortality sustained on the passage.

Schooner Niagara. It is understood that she was captured on the coast of Africa. Francisco Martinez, one of the witnesses sent on to New York, told me he was one of her crew.

Brig Braman, captured by the British war steamer Vesuvius.

Schooner James Buchanan is believed to have brought a cargo of slaves to Cuba, after which she proceeded to a port in Yucatan, where Mr. Francis D. Newcomb, as attorney for her apparent owners, had her sold.

Bark Clara B. Williams was captured up the Congo river waiting for slaves at the same time that three or four other vessels were captured.

Brig Windward, captured by her Britannic Majesty's ship Alecto, with 630 slaves on board. Her master, Charles Rauch, is now in Havana as owner (apparently) and master of a brig under American colors, called the Crimea. Of this vessel, more under her heading.

Schooner Wintermoyeh, captured by her Britannic Majesty's ship Conflict, on the coast of Africa. The master of this vessel was recently at Havana, attempted three or four times to obtain command of American vessels here, but I refused my consent, for very good reasons. He finally went to Matanzas, where he took command of an American vessel. The Wintermoyeh was sold in this port, and cleared on the 18th of December, 1857, with a sea letter for Boston.

Brig C. Perkins cleared 25th of October, 1857; brought a cargo of slaves; transhipped them off Mariel; went to Yucatan; returned to Havana; fitted out again for the slave trade; detained at Havana.

Brig R. M. Charleton sold at Havana; cleared 5th of January, 1858, with a sea letter for a port of the United States. No account has been received at this office of a reliable nature.

Schooner Angeline. It is believed that she landed a cargo of negroes at or near Punta Gorda, (jurisdiction of Matanzas,) on the night of 26th–27th of June. It is not known what became of her afterwards. This vessel was sold at Havana, and cleared on the 14th of February, 1858, with a sea letter for a port of the United States.

Bark Governor Parris was sold at Havana; cleared 25th of February, 1858, with a sea letter for a port of the United States. No reliable account has been received at this office of her. It is understood, however, that she was captured on the coast of Africa..

Schooner Lydia Gibbs, captured off Widah by the British war-steamer Trident.

Brig St. Andrew, sold at Havana; cleared 27th March, 1858, with a sea letter for Charleston. No reliable account of her yet.

Bark Venus, of New Orleans. This vessel is understood to have been chartered for a lawful trade on the coast of Africa, but little doubt exists that the real object of her voyage was the slave trade. Cleared April 6, 1858. No account of her yet.

Bark Lyra, sold at Havana; cleared 5th of July, 1858, for Key West, where she was seized.

Ketch Brothers cleared 30th of June, 1858. No account of her yet.

Schooner Cortez, sold at Havana, as it is believed, though no deed of sale was made. Cleared 13th of April, 1858; captured off the coast of Cuba by her Britannic Majesty's gunboat Jasper.

Brig Mary Elizabeth cleared 19th of April, 1858. No account of her yet.

Brig Nancy, of New Orleans, now detained at Havana.

Brig Putnam, of New Orleans. This office is not aware from what port she sailed for the coast of Africa; captured the 21st or 22d ——, 1858, with 328 slaves on board, off the Double-headed Short Keys, by United States brig Dolphin.

Brig Adams Gray, of New Orleans, captured 15th of April, 1857, by the British man-of-war Prometheus.

Brig William D. Miller, of New Orleans, landed 450 slaves at Sierra Morena; subsequently destroyed.

Bark Almeida, said to have gone from St Jago de Cuba, and to have been captured in Africa.

The barks Pions, Petrel, Vesta, and Lexington, were captured off the coast of Cuba, with slaves on board, by a Spanish man-of-war.

The ship Hydra, brigs General Scott, Henry Cole, General Greene, Juliette, Kate Hellen, Rufus Soule, and schooner Austin, are also said to have proceeded to Africa for slaves.

Brig Crimea landed at Guanimar 514 slaves. This is supposed to be the same vessel now in Havana.

The bark E. A. Rawlins, reported in the newspapers of the United States as having landed a cargo of negroes at or near Texas, is reported in this city as having disembarked her cargo at a place on the north side of Cuba, called Punta de la Teja.

The Mr. Frederick A. Drinkwater, at the time he became the apparent purchaser of the Minnetonka, G. H. Record, R. B. Lawton, Niagara, and Braman, was in the employ of, or in some way con-

nected in business with, Mr. Antonio Cabarga, the person mentioned in the communication to which this is accompanied.

HAVANA, *August* 29, 1858.

Mr. Cass to Mr. Dallas.

No. 129.] DEPARTMENT OF STATE,
Washington, September 6, 1858.

SIR: I have caused a copy of that part of your despatch No. 11 which has reference to the establishment of the existence and authenticity of the American papers of the "Cortez," to be communicated to the vice-consul general of the United States at Havana, in order that an opportunity may be afforded him of carrying out your suggestions on the subject. The number of aggressive outrages committed upon our commerce by British cruisers on the coast of Cuba and in the Gulf of Mexico last spring, as reported in the newspapers of this country, considerably exceed the number of those officially reported to this department; but I have, I believe, communicated to you from time to time, either in a printed form or in manuscript, all the reports of such outrages as have thus far been officially made to me. Should others of a like character reach me, they will be duly communicated to you, if their importance renders it necessary or desirable.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

Lord Napier to Mr. Appleton.

HER BRITANNIC MAJESTY'S LEGATION,
Washington, September 7, 1858.

MY DEAR SIR: I enclose an extract from a report addressed by the British consul at St. Jago de Cuba to the officer commanding her Majesty's naval forces at Jamaica, containing a description of a certain brig called the "Juliet," under American colors, which has gone to the African coast, apparently to embark a slave cargo.

I have thought that these indications might be useful to the United States officers cruising on the coast or in the waters of Cuba.

Believe me, yours, very truly,

NAPIER.

Hon. JOHN APPLETON, *&c., &c., &c.*

Extract of a letter from her Majesty's consul at St. Jago de Cuba to the senior officer of her Majesty's naval forces at Port Royal, Jamaica.

JUNE 28, 1858.

"I have the honor to acquaint you that a black painted brig, called the 'Juliet,' of about two hundred tons burden, under American colors, arrived at this port from New York a few weeks ago. The master is an American, and the reputed owner or supercargo, whose name is Bautista, is a Portuguese, and who, I am credibly informed, is an old slave dealer.

"The said brig has loaded with sugar and rum, (supposed to be biscuit and water,) and sailed hence on the 25th instant. Her clearance has been kept secret; but it is currently reported here, and I have no doubt in my own mind, that she is bound for the African coast, and destined for the slave trade."

Mr. Appleton to Mr. Savage.

DEPARTMENT OF STATE,
Washington, September 7, 1858.

SIR: I transmit herewith an extract from despatch No. 111, received from the United States legation in London, in which it is suggested that, in establishing the existence and authenticity of the American papers of the "Cortez," "the statement of the consular officer at Havana should be made with all just particularity, and take the form of solemn and positive affidavit."

You are accordingly requested to transmit to this department such an affidavit, for the purpose indicated by Mr. Dallas.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

THOMAS SAVAGE, Esq.,
United States Vice-Consul General, Havana.

Mr. Dallas to Mr. Cass.

[Extract.]

No. 111.] LEGATION OF THE UNITED STATES,
London, June 18, 1858.

SIR: * * * * * * * *

The report of the United States consul at Havana suggests that it is competent to himself personally to establish the existence and authenticity of the American papers of the "Cortez." If that be so, then

it would be well that his statement to that point, with all just particularity, should take the form of solemn and positive affidavit.

* * * * * * * *

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

Mr. Cass to Mr. Dallas.

No. 131.] DEPARTMENT OF STATE,
Washington, September 10, 1858.

SIR: Having communicated to Mr. John A. Machado a copy of that part of your despatch No. 97, of the 9th of April last, which suggests the propriety of his furnishing you with certain papers in support of his claim against the British government in the case of the bark "Mary Varney," I now transmit to you a copy of his reply of yesterday, through his solicitors, Messrs. Benedict, Burr & Benedict of New York, with the documents which accompanied it.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

SEVENTY-FOUR WALL STREET NEW YORK,
September 9, 1858.

SIR: We are the solicitors for Mr. John A. Machado, having charge of his claim for indemnity against the British government for the seizure of the bark Mary Varney, and as such, in pursuance of the suggestions contained in an "Extract from a despatch of Mr. Dallas to General Cass, dated London, April 9, 1858, and numbered 97," transmitted to Mr. John A. Machado with your letter of the 27th April last, we herewith enclose the papers referred to by Mr. Dallas, viz:

1. The original charter-party of the bark Mary Varney, for the voyage in question, with receipt for the charter money indorsed thereon.

2. Copy of the register of the Mary Varney at the time, duly authenticated under the seal of the United States custom-house for the district of New York.

3. Copy of the list of the crew for the voyage in question, duly authenticated in same manner.

4. Copy of the collector's certificate of authentication of the crew list given at the time of clearance, duly authenticated in same manner.

5. Copy of the collector's certificate of protection to the crew as American citizens, duly authenticated in like manner.

6. Copy of the manifest with the master's oath on clearing, duly authenticated in like manner.

7. Certificate of clearance under the seal of the United States custom-house for the district of New York.

8. Copy of the shipping articles for the voyage in question, duly authenticated under the official seal of the public notary who shipped the crew.

We transmit them to you to be forwarded to Mr. Dallas as a part of the papers on which the claim of Mr. Machado may be urged upon the British government.

We are, respectfully, your obedient servants,

BENEDICT, BURR & BENEDICT.

Hon. LEWIS CASS,
Secretary of State.

[The papers referred to were forwarded to London.]

Mr. Appleton to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, September 11, 1858.

SIR: I transmit herewith for your information copy of despatch No. 30, together with the enclosures accompanying it, received from the United States vice-consul general at Havana, relating to American vessels alleged to be concerned in the slave trade, and more especially the "Nancy," the "Lyra," and the "C. Perkins."

I will thank you to return the papers after having made such use of them as you may think expedient.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

J. HILLYER, Esq.,
Solicitor of the Treasury.

Mr. Savage to Mr. Appleton.

No. 32.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, September 14, 1858.

SIR: I have the honor to acknowledge the receipt of your despatch of the 18th ultimo, with its enclosure, and to express my acknowledgment of the gratification its contents afforded me, for it conveyed to me the intelligence that the course I deemed my duty to pursue, in the affair of the brig "Nancy," as well as in other matters of the same nature, had obtained the approbation of the department.

I regret that I have it not in my power to report progress in the brig *Nancy's* case, nor in that of the *C. Perkins*. The master of the

first-named vessel having presented to the real audiencia (superior court of judicature) a petition for the return to him of said brig, the court decided, a few days since, that the petition could be granted only upon satisfactory bonds being entered into by the captain for the surrender of the vessel, when demanded by the court, in the event of her condemnation. I understand that the captain intends to ask of the court for a modification of their judgment. I strongly doubt, from conversations held by me with and reasons alleged by officers connected with the audiencia, that Captain Williams's wishes will be acceded to. In fact, this vessel's connexion with *Don Ramon Guerediaga*, against whom proceedings are carried on at the same time, before the same tribunal, for having fitted out the *bark Lyra*, to be also engaged in the slave trade, renders it very doubtful that she will not be condemned; or that at any rate, if acquitted, this result will be attained without delay.

I find that I have, unintentionally, omitted to send before a copy of the law upon which the Spanish authorities based their action against the parties accused of outfitting the *Nancy*, *Perkins*, and *Lyra* for the slave trade. I now enclose a copy of the penal law of 1845 for the suppression of the slave trade (with translation thereof.) This enclosure, also, contains a few points of the Spanish criminal code, which you will have perceived, in my first despatch bearing upon the "Nancy's" case, I did not neglect to ask in behalf of the officers and crew of that vessel when they were placed in prison.

In my despatch No. 30 I promised to send you copies of the two sets of evidence obtained from the crew of the "Nancy." I accompany them herewith.

I think that all comment, on my part, upon this evidence would be supererogatory. In respect to the arms declared, by the witness, Michel Vidal, cook of the "Nancy," to have been concealed in the captain's cabin—this part of the vessel, as well as her hatches, being sealed with the seals of the audiencia and custom-house, besides that of this consulate—I have not had the opportunity to ascertain if the cook's assertion may be corroborated or not.

I likewise beg to call your attention to the enclosed original document, (a copy whereof was sent you with my despatch No. 30,) which was also made a subject of investigation when the brig "Nancy's" crew were publicly examined. I believe the evidence of the crew, &c., &c., will clearly indicate the source from which this document sprung; the handwriting of the letter to Captain Williams is unknown to me; the note at foot, signed by Michel Vidall, was written, and so admitted, by Don Antonio Cabarga, whose handwriting appears on the charterparties of the *Cortez*, *Lydia Gibbs*, and *Nancy*. The certificate attached, and bearing the signatures of A. Cabarga and his clerk, N. Orfila, was written by Captain Williams himself.

In my despatch No. 30 I stated that I was watching other vessels, wearing American colors, in this port, against which very strong suspicions were entertained. I had reference, principally, to the brig 'Crimea" and schooner "Enterprise," of Brunswick, Georgia; the first named is included in the list accompanying that despatch, and although appearing as the property of *Charles Rauch* (the commander of the "Windward" at the time this vessel was captured on the coast

Africa, with upwards of six hundred negroes on board,) she is be-
ed to belong to *Don Francisco Labandeira*, a Spanish subject, well
wn here as a shareholder in several expeditions for African slave
ling.
he *Enterprise* is now under the command of John W. Disney, the
e man who went from this port as commander of the schooner
iagara," with a sea letter to proceed to a port of the United
es—instead of which he took her to Africa. The "Niagara" is
mentioned in the list referred to. Antonio Martinez, one of the
iesses sent by me to New York, in the affair of the "C. Perkins,"
me here that he was one of the "Niagara's" crew on that voy-
and that, after leaving her, he shipped upon the "C. Perkins"
ongo Bongo. I presume Martinez is in New York, and his evi-
:e upon this point may be obtained. I am informed that the
oner "Enterprise" has been sold here, under a private instru-
t, to *Gregorio Tejedor*, a Portuguese, and notorious slave dealer,
he following terms, viz: five hundred dollars in cash, two notes
ıree hundred and fifty dollars each, payable at three and six
ths, and two thousand dollars' worth of scrip in some mining
pany in the United States, said to be worth little or nothing. The
oner is small, and requiring great repairs; the purchaser is put-
them on. I have learned, also, that the charter-party was made
'een Mr. Dangué, the husband and attorney of her former owner,
a Mr. A. Pelletier, (who is connected with G. Tejedor,) for six
ths, at three hundred dollars per month, to trade with Savannah;
charter-party being intended as a cover or blind. This informa-
first reached me from an outsider, and was subsequently confirmed
ıe very person through whose instrumentality the sale was effected,
whose handwriting, as he assured me, is on the documents drawn

suppose there is not sufficient evidence to justify me in seizing the
rprise and sending her to the United States; but I will, unless
ructed to the contrary by the department, refuse to allow her to
eed to sea under American colors.
idings have reached this office in respect to two of the vessels men-
ed in the list above stated—I mean the brigs *St. Andrew* and
y Elizabeth. I have understood that the St. Andrew (and this I
sider reliable) was captured with a cargo of slaves by a British
iser, and taken into St. Helena; her master and crew arrived here
ut a fortnight ago from that island in a Dutch ship that brought
lies.
Of the "Mary Elizabeth," it is rumored here that she has been
ıtured on the coast of Africa; but another rumor has also been
ught to me that a cargo was landed last week in the neighbo hood
Sagua, said to have been brought by the "Mary Elizabeth."
ould any reliable accounts be obtained by me relative to this case
ill communicate them to you.
I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State of the United States, Washington.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

Proceedings had in the investigation upon certain charges alleged against John Williams, master, Luis Teozo, 2d mate, and acting chief mate, and Joseph Ferrer, (or Ferrem or Fermin,) seaman of the brig Nancy, of New Orleans, of being concerned and implicated in fitting out the said brig Nancy at the port of Havana, to proceed to the coast of Africa to engage in the slave trade. Said investigation being commenced by me, Thomas Savage, vice-consul general of the United States of America for the Island of Cuba, residing at Havana, on this 27th day of August, A. D. 1858, in the presence of said John Williams and Luis Teozo; the said Joseph not being present, because his whereabouts had not been discovered.

NICHOLAS THEODORE, being first sworn to tell the truth, the whole truth, and nothing but the truth, was examined as follows:

1. My name is Nicholas Theodore.
2. I am one of the crew of the brig Nancy.
3. I know the persons now present. I know one for the captain, and the other for the second mate of the brig.
4. I engaged for the brig in New Orleans, the last minute she left.
5. I understood that the vessel was going to Havana, and from Havana back to the States.
6. Neither during our passage nor after our arrival at the Havana did I learn anything to the contrary.
7. I had one hundred and thirty dollars, which I gave to the mate three or four days after we left New Orleans; I got thirty dollars back a few days ago. I asked the mate for my money several times. I was answered that I could not get my money, because he was afraid that I would run away. I told him I had not come here to run away; that I had come here to return to the States.
8. I did not learn that the vessel had changed her destination in this port; I learned, three days after I had been taken to prison, when I was in the hospital, that the vessel was going to Africa.

Captain Williams and Mr. Luis Teozo having stated that they had no question to propound to this witness, he signed his name.

NICHOLAS THEODORE.

JOHN COLLINS, being first sworn to tell the truth, the whole truth, and nothing but the truth, and being next examined, deposed and said:

The examination of this witness has been made through Mr. Henry Paul Caire, who was first sworn true and faithful translations to make of all questions propounded to the witness in the English language into the French language, and of all answers and statements given and made in the French language by the said witness into the English language.

1. My name is John Collins.
2. I am a naturalized American citizen, and now produce my certificate of naturalization.

3. I am a ship-carpenter.
4. I do not belong to any vessel in this port at present.
5. I came here in the brig Nancy.
6. I was carpenter on said vessel.
7. I shipped in New Orleans.
8. I understood that the vessel was going to Havana, and from there to New Orleans.
9. I had no information, either in New Orleans, during the voyage, or in Havana, that the vessel was going to the coast of Africa.
10. I did not know on the day I was taken to prison that the vessel was going to the coast of Africa.
11. I did not sign my name to the shipping articles, not knowing how to sign. The shipping master signed the same, and I made my cross.
12. The shipping master told me that we were going to Havana, and from there were to return to New Orleans.
13. I was working aloft when the custom-house officers came on board; I saw them, and also saw them seal the hatches.
14. A few days before the custom-house officers came on board, one night I asked one of the stevedore's gang what was this cargo they were taking on board; he answered me, Go to hell—this is none of your business. This man was one of the gang.
15. I was working all the time aloft, and could not see what was brought into the hold.
16. There were three officers on board—that is, captain, mate, and second mate.
17. I saw no other officer on board on the voyage from New Orleans to Havana.
18. There was a man called Pepe, a Spaniard, who came from New Orleans before the mast. He worked as a sailor, but he belonged aft; said Pepe lived altogether aft; said Pepe was treated as a sailor on the voyage from New Orleans to Havana; said man slept aft, (in the cabin;) said man acted like a sailor during the voyage from New Orleans here.
19. Said Pepe became second mate when in Havana.
20. When the vessel first began to load, the mate having left her, said man Pepe came on board and was made second mate.
21. When the vessel arrived from New Orleans said Pepe did remain on board.
22. When we arrived from New Orleans, I saw Pepe come ashore dressed like a gentleman.
23. Pepe was not on board during the operation of unloading the cargo brought from New Orleans.
24. I never asked Pepe, after he was made an officer, where the vessel was bound to; he was too proud. Nor did Pepe tell me, of his own accord, where the vessel was bound to.
25. I have not met Pepe ashore since I came out of the jail.
26. I never had any conversations nor any disputes with Pepe on our voyage from New Orleans here.
27. Since I left the jail I have had no conversations either with the

captain or the mate, Mr. Teozo. When I meet them I only bow to them, that is all.

28. A gentleman with blue spectacles signed for me. I had authorized him to write my name.

29. The gentleman with blue spectacles asked me to sign this letter.

30. I thought that the letter was for the consul.

31. I understood very little of the letter. The portion which I understood was referring to our going to the consul's office, and there being refused the door by him, and having to leave his office.

32. It was up stairs that this letter was signed—in the store of the gentleman who signed my name to the letter, on the Plaza de Armas. The persons then present in the room were the captain, the gentleman who signed my name to the letter, and a gentleman who was sitting at a desk writing.

33. I recognize the gentleman who signed my name to the letter; he is now standing before me; it is the same gentleman who read me the letter in English.

34. The letter was already written. The mate told me, in Italian, what the letter contained. All I understood of the letter was the portion referring to our going to the consul's office, and being refused the door of the consulate.

35. Everybody on board called Pepe second mate, and recognized him as such. I did see and hear this man Pepe give orders on board as second mate.

his
JOHN × COLLINS.
mark.

MICHEL VIDALL, being first sworn to tell the truth, the whole truth, and nothing but the truth, did depose and say, as follows:

1. My name is Michel Vidall.

2. I am a Maltese.

3. I am a cook.

4. I belong to the "Nancy."

5. I shipped in New Orleans.

6. I was shipped by the shipping master.

7. At the time of shipping I knew that the vessel was going to Havana, but was ignorant as to where the vessel was going from Havana.

8. When in New Orleans I heard that one sailor refused to come in the vessel, stating that he was scared, as there were plenty of men-of war.

9. On our passage from New Orleans to Havana I had conversations with the steward. The steward was a Spaniard, and his name was Antonio. These conversations had reference to the brig "Nancy." The steward told me that the vessel was going to the coast of Africa; he said, further, that between him and me we could invest some money and make some business. I said I had no money; where should I find the money? He answered, Never mind, by and by we will make another bargain in Havana.

10. There were two officers on the vessel besides the captain.

11. The persons living in the cabin were the captain, the two mates,

the steward, the carpenter, myself, and another man. This other man was a sailor on the vessel, and his name was Pepe. To the best of my knowledge and belief, said man was a Spaniard.

12. I saw the captain, the second mate, and Pepe, hold consultations together sometimes. To the best of my belief and knowledge, these conversations were into the rigging of the vessel.

13. Said Pepe took his meals in the cabin; he took them with the steward, the carpenter, and myself.

14. Said Pepe never spoke to me about the object of the brig "Nancy's" voyage, and I do not know that he spoke to anybody else on board.

15. I never saw Pepe talk with the consignee of the vessel here. I do not know the consignee of the brig, nor could I know him if I saw him.

16. There were plenty of people who came on board to look at the cargo, such as stevedores, &c., &c. There was a person who came on board, looked about, and left, without speaking to anybody. I saw several persons come on board, one of whom was about thirty-five or forty years old; I cannot tell his age exactly. The steward pointed him to me, and said: This is the man who is to be captain in this trip from Havana to Africa. Said gentleman looked like a Spaniard; he was on board the vessel four or five times. I have also seen him ashore a number of times. I have seen the person alluded to at the store of a gentleman who was here a little while ago, with blue spectacles.

17. I saw some men working on board the vessel in port that looked like sailors. These men were Spaniards; there were six of them. I spoke with one of them, and he told me the vessel was going to the coast of Africa. This man had been working in the hold. The steward told me, Now we are going to have good meals, because this captain is fond of good living, (pointing to the person above alluded to.)

[There is no 18 in the original.]

19. The steward told me that the vessel had gone to the coast of Africa before, and that the crew had been well paid, one thousand dollars to each man.

20. The steward did not give me to understand that the gentleman above alluded to was on board of the vessel during said trip.

21. I remember when the custom-house officers came on board of the vessel and took a list of the cargo.

22. Three persons came on board of the vessel after the officers went away. I have heard the name of one of them as being Don Ferlando. I could recognize said men if I was to see them again. Said Don Ferlando had a conversation with a person on board, and said person was the custom-house officer. This conversation lasted about three-quarters of an hour. Whilst this conversation was going on between said Don Ferlando and the custom-house officer, the other two gentlemen went down into the hold. At that time the officers of the vessel on board were the second mate, Mr. Teozo, and the Spaniard, Pepe; the captain was not on board.

23. The two gentlemen in the hold had a box broken. I do not know whether they broke it themselves, or had it broken by other persons; an empty box was brought on deck.

24. Before this, I heard these gentlemen direct Pepe to look for a box; I heard them say number one.

25. I saw the contents of the broken box on the deck; the contents were muskets, pistols, knives, handcuffs, and something else that looked like cords. The muskets, the pistols, and the knives were taken into the captain's room. I saw them taken into the cabin. The handcuffs were thrown overboard. There was about a dozen of muskets, the pistols were wrapped up in paper. I cannot say how many pistols there were. I do not know the number of handcuffs there were; there were a great many.

26. Pepe remained in the hold and brought up on deck a keg of powder.

27. Pepe broke the keg and threw the powder overboard.

28. Whilst this was going on, the mate, Mr. Teozo, was on deck.

29. After having thrown the powder overboard, Pepe remained on deck.

30. Whilst these operations were going on, the persons on deck were George, John, myself, and Nicholas; the carpenter also was on deck.

31. When the powder was thrown overboard, there was nobody on the side of the deck where I was, but Mr. Teozo, the second mate.

32. I saw the powder and the handcuffs thrown overboard.

33. Whilst all these operations were going on, the steward was part of the time at the door of the cabin and part of the time inside.

34. One day, whilst the vessel was being loaded, the captain called me into the cabin. The captain asked me, How much do you want in advance? I answered, What advance do you want to give me? He said, I will give just the same as to the other men. I asked him, Where is the vessel going? He answered, She goes where she goes. You will have forty dollars advance.

35. The captain called all his men into the cabin.

36. None of them told me what had passed between the captain and themselves.

37. I had conversations with the steward and others of the crew in relation to advances given to Spaniards shipped on board. The steward told me that the Spanish crew had received four ounces in advance.

38. I have not received the advance that was offered me.

39. The chief mate, who came on board from New Orleans, left the vessel after she was discharged and before she began again to load. After the chief mate went away, I do not know if there was any one appointed first mate; there was a person appointed second mate; this person was Pepe. When the vessel began to load, Mr. Luis Teozo made Pepe known to the crew as the second mate, and stated that he himself was first mate.

40. When the vessel arrived from New Orleans, said Pepe did not remain on board attending to his duties; he went ashore dressed like a gentleman. He went ashore openly. Said Pepe came on board three or four times whilst the cargo was being brought on board of her on this side of the harbor, and he came again about the time the casks of water were put on board. Said casks of water were put on

board at the place where the vessel was lying on the day we were taken to prison.

41. Notwithstanding all these things, I cannot state positively what was the object of the vessel's intended voyage.

42. When I was examined by the Spanish officers, I did not state all these things to them, because I was scared.

43. I never was instructed nor advised by any one what I was to say to the Spanish officers.

44. I signed the letter the other night. I signed it at the store of Mr. Cabarga the other night up stairs. The persons present when I signed the letter were the gentleman with the blue spectacles, that I suppose is Mr. Cabarga, and another person that appeared to be a clerk. The captain had been there before, but he was not present when I signed the letter.

45. The captain sent the carpenter for me. It was about halfpast seven or eight, a little before the music began on the square. I went to the store of Mr. Cabarga, in the Plaza de Armas. There I met the captain down stairs, who called the gentleman with blue spectacles; then the gentleman with blue spectacles told me, *Go up stairs, they have sent a letter, I want to show it to you; it is for the disembarkation and the payment of your wages.* Then I went up stairs, when the gentleman with the blue spectacles asked me if I understood well the English language. I answered, I do not; then he read me the letter in Spanish. I protested against the beginning of the same, and objected that the consul had not told me such things; then he went on reading. I stopped him again and said, This the consul did not tell me. Then said gentleman wrote at the bottom of the letter a few words stating my objections, and what I intended to say. These few words written by the gentleman with the blue spectacles were in the English language; he read them to me in the Spanish language, and I signed my name, believing he had told me the contents; whether he stated them correctly or not, I do not know, for I cannot read English.

Cross examination by Captain Williams.

When I called you into the cabin, did I not ask you how much advance you wanted?

Answer. The more you give me the better for me.

Did you not state to the mate that you had no clothes, and that you wanted forty dollars?

Answer. No, sir; I never had any conversation with the mate in relation to clothing or wages; my conversation was with the captain. I did tell the captain that I had no clothes.

Questions by the mate, Mr. LUIS TEOZO:

How many custom-house officers or revenue guards were left on board of the vessel on the day that she was visited by the custom-house officers?

Answer. I do not know how many were on the top of the house. There were plenty of the custom-house boatmen who went into the galley to get fire. There was only one day, the Sunday when we

were taken to prison, that there was a watch on deck, excepting the carabinero, or revenue guard; and I saw only one—there was one custom-house guard that was steady on board of the vessel.

To a question of the CONSUL witness answers:

The conversation mentioned by me as having taken place between one of the three gentlemen and the carabinero, or revenue guard, occurred in the captain's room. I saw them there, conversing.

MICHEL VIDALL.

AUGUST 28, 1858.

MICHEL VIDALL recalled, by request of Captain Williams, being first sworn to tell the truth, the whole truth, and nothing but the truth, and being cross-questioned by Captain Williams and Mr. Luis Teozo, doth depose and say, as follows:

1. Question. Have you been in the office of the consulate of the United States yesterday, after your examination?

Answer. I was.

2. Did you receive any money from the American consul?

Answer. Yes, sir.

3. Do you know with what I am charged by the American consul?

Answer. No, sir.

4. What do you know, of your own knowledge, of my going to the coast of Africa after slaves?

Answer. I know nothing about it, of my own knowledge.

5. Were you told by any person or persons yesterday that if you would get another to swear, both the captain and mate would be put in prison?

Answer. I was told by one person yesterday that we all would be put in jail, and answered that I would try to put them in jail, for I would tell the truth.

6. Do you know the person that told you this?

Answer. Yes, sir; that is Nicholas Theodore.

7. Did you tell any person or persons that you would receive two hundred dollars from the American consul and one hundred dollars from me, as wages to go to Matanzas and buy fruits, as regards the giving testimony to the American consul?

Answer. No, sir.

8. Where were you at the time you saw those guns and pistols taken into the cabin?

Answer. I was standing on the deck, close to the hatch.

9. Did you see them stored away in my room?

Answer. I did not see them stored away, but I saw them taken into your cabin.

10. On what day was that?

Answer. The day before the hatches were sealed.

11. How many carabineros or officers were there on board at the time?

Answer. Only one, and the custom-house boat was close to the vessl.

12. Have you had any conversations, when in the jail, with the crew of the brig Nancy in relation to this vessel?

Answer. Yes, sir.

13. Did you say to any one of the men that if you did not get two hundred dollars from the owner, and two hundred dollars from the captain, you would fix them?

Answer. No, sir.

14. Did you have any conversation with any one of the crew in the boarding-house in relation to the affair of the brig Nancy?

Answer. No, sir. The conversation was about the time we were going to be detained here, until the question was finished.

15. Did you not say that the captain had received three thousand dollars?

Answer. One of the crew came to me and asked me for ten cents, and I told him, Why don't you go to the captain and ask him for your money? The captain has got three thousand dollars.

16. Did you not say afterwards that you would fix him?

Answer. No, sir.

Question by the CONSUL:

I received forty cents from the American consul. I received them yesterday. I received them to go to the other side of the bay. I went to the other side to tell the steward that the consul wanted him this morning at ten o'clock.

MICHEL VIDALL.

NICHOLAS THEODORE being recalled, and sworn to tell the truth, the whole truth, and nothing but the truth, did depose and say, as follows:

I signed a letter a few nights ago. I do not know to whom this letter was directed. I signed this letter at a house—a sort of ship-chandlery, opposite the square. I signed this letter in the room up stairs. The persons present when I signed this letter were the captain, the mate, a gentleman with blue spectacles, and two or three of the crew. I cannot read English. This letter was read to me by the man with the glasses. I could know that man if I saw him again. I saw him here yesterday. I do not know his name. I have heard that he is the owner of the store, but I do not know it of my own knowledge. The contents of the letter, so far as I understood it, was that we were all called up to ask for our discharge I had several times spoken to the mate about our detention here, and he said he would make it all right. This is all the letter contained. I signed my first name myself, and also my second name halfway, and the balance of my second name was written by the man with blue spectacles. I was called up to sign this letter by the mate, and I signed it.

Cross-questions propounded by Mr. Teozo.

1. When you were in jail did you have any conversations with the cook?

Answer. Yes, sir.

2. Did not the cook ask you if you wanted to make some money this voyage?

Answer. Yes, sir.

3. What way did he tell you he wanted to make this money?

Answer. He said he wanted three or four hundred dollars from the owner and two hundred dollars from the captain; and if he did not get this money he would fix the captain.

4. Have you had any conversations with the cook when you were in the boarding-house?

Answer. Yes, sir.

5. What were these conversations about?

Answer. They were about our discharge, and I told him it was his own fault. Then he answered, The captain has got three thousand dollars from the owner, and I want to fix him because he did not give me anything.

6. Were you always well treated on the Nancy whilst I was second mate?

Answer. Yes, sir.

7. Were you on deck the day the custom-house officers examined the vessel and put a man on board?

Answer. Yes, sir.

8. How many officers were put on board?

Answer. Two or three men.

9. Do you know if they were regular custom-house officers, or from men-of-war?

Answer. One of them was a custom-house officer; the other was a man-of-war's-man.

10. Were you on deck working all that day?

Answer. Sometimes I was on deck, about; sometimes I was at rest, lying down.

11. Were you in the hold on that day?

Answer. Except at such time when the officers came and went down the ladder.

12. Did you see any box, any wood come from the hold on the deck that day?

Answer. No, sir.

13. Did you see anything go into the cabin that day that came out from the hold?

Answer. No, sir.

14. Have you been in this office before without the mate or the captain being present?

Answer. Yes, sir.

15. About what?

Answer. The consul called me and asked me if I knew anything about the box. I told him no; that I would tell the truth—that I knew nothing about the box.

16. Did not the consul call you again, with the cook present?

Answer. It may be about the same day, and he examined my arms.

17. Did not the consul ask you some questions when he examined your arms?

Answer. He asked me some questions, and if I had not cut my arm.

Questions by the CAPTAIN:

1. How many times have you been in the consul's office since I brought you there for your protection and your examination of yesterday?

Answer. About five times, I believe.

2. Who sent for you to go to the consul's office?

Answer. I went there twice by myself, and afterwards the consul sent for me.

3. What did the consul call you for?

Answer. It was for something about that box; I do not know exactly.

4. Did you undergo an examination in the consul's office with closed doors?

Answer. No, sir.

5. What was the conversation between you and the consul?

Answer. The consul asked me what I had seen on board the ship, and I answered what I knew about it.

6. Did not the consul tell you that you were the man who broke the box open?

Answer. The consul asked me if I recollected the day I had been in the hold, and something concerning the box. The cook was standing by, and told me to tell the truth.

7. Do you know if this gentleman now before you was present at the time you signed the letter? [The gentleman present is Mr. Francis D. Newcomb.]

Answer. I did not notice him.

8. Did not the consul tell you that you were the man that broke the box?

Answer. What the consul asked me was, whether I recollected the day I went into the hold, if I did not see a box broken, and something brought on deck; and I said that I did not know.

9. Did you come to this office of your own accord, or did the consul send for you?

Answer. He sent for me when I was discharged. I came with all the crew; the mate was also present. I recollect the consul asked me if I would take my discharge; I answered, Yes, sir. [This last question is by the consul.]

10. What did the consul tell you before you left this office on the day you were all taken to the consul's office, about your discharge?

Answer. The consul said that we would all be discharged and all go away together.

11. Did not the consul tell you, *Clear out of this office?*

Answer. No, sir.

Question by the CONSUL:

I have had no conversation with the captain or mate since I left this office yesterday.

NICHOLAS.

VICENCIO TORENO, being first sworn to tell the truth, the whole truth and nothing but the truth, did depose and say:

1. My name is Vicencio Toreno.

2. I was born an Austrian subject.

3. I am a sailor. I came here as an ordinary seaman on the brig Nancy.

4. I shipped on her in New Orleans.

5. When I shipped on board the Nancy in New Orleans I understood the brig was coming to Havana.

6. I did not know positively where the brig was going to from Havana, though I entertained the opinion that she was going either to New York or New Orleans.

7. I did not learn on the voyage from New Orleans to Havana anything of the destination of the vessel from Havana.

8. I did not learn anything since my arrival in Havana about the destination of the brig from Havana.

9. I did not ask anybody here in port, on board of the vessel, where the vessel was going to from here.

10. I have had no conversations with the stevedores; I have had no conversation with anybody.

11. As I was all the time kept at work aloft, I had no opportunity of seeing what was going on in the hold.

12. The captain called me once into his cabin, and he asked me if I wanted some money. I answered that I wanted thirty dollars to buy clothes.

13. On board the vessel there was a man called Pepe; I do not know what country he belonged to. Said man was a sailor before the mast; he took his meals in the cabin, and slept sometimes in the cabin, sometimes on deck. I do not know exactly where sometimes he worked; sometimes he did not work. I never saw this man talk with the captain.

14. I believe it was Saturday the custom-house officers came on board and examined the vessel; I am not certain about this. Said officers spent a considerable time down below in the hold, and a considerable time on deck. Pepe, I believe, was down with the officers, but I have not an exact recollection of this.

15. Sometimes Pepe directed me in my work, as I am not a competent seaman; he sometimes worked with the other men; I do not know whether he directed them, as they were good sailors.

16. Since the vessel arrived here in Havana, and began unloading, Pepe went on shore, saying that he was unwell, and could not work.

17. I do not remember when Pepe returned on board.

18. When Pepe returned on board he went to work just as before, like a sailor before the mast; I do not know whether he was an officer or not, or whether he was made an officer or not.

19. Sometimes at night Pepe went ashore.

20. The day the custom-house officers came on board and examined the hatches, after they went away I do not know if any person came on board.

21. I saw nothing taken out of the hold that day and placed upon deck.

22. I do not know if the seaman Nicholas had any cut on his arm. I signed a letter the other night; I made my cross, and another person signed my name; the person who signed my name to the paper

is now present. The house where I signed this paper is a grocery store, situated opposite the Plaza de Armas; it was up stairs. I did not read the paper myself, because I could not; this paper was read to me by the same person who signed my name to it. Said paper was a letter; I believe it was directed to the captain; I did not know much what the letter contained; I have forgotten what the purport of the letter was. I believe I was called by the Greek, Nicolas; I do not remember well. The persons present when I signed the letter were the captain, the mate, the gentleman now present with the blue spectacles, and a gentleman whom I do not know.

Cross-questions by the Captain.

I signed the letter voluntarily; I was not forced to it. The letter was read to me by the same gentleman who signed my name; when the letter was read to me I understood a portion of it; another portion I did not understand. I did not know, of my own knowledge, that the vessel was going to the coast of Africa for slaves, and nobody told me about it.

his
VICENCIO + TORENO.
mark.

JOHN DAVIS, being first sworn to tell the truth, the whole truth, and nothing but the truth, did depose and say, as follows:

1. My name is John Davis.
2. I am an Austrian subject.
3. I am a sailor.
4. I came to Havana as one of the crew of the brig Nancy.
5. I shipped in New Orleans; I was shipped by the shipping-master.
6. When I shipped in New Orleans I understood that the vessel was coming to Havana.
7. I understood she was going from Havana to another port in America.
8. I did not learn, either on the passage from New Orleans to Havana, or in Havana, where the vessel was going to.
9. I never asked the captain or mate about the destination of the vessel, and they told me nothing about it.
10. I never was offered any advance in Havana, nor did I ask for it.
11. I worked generally up aloft in the rigging, or on top of the gallant top forecastle forward, whilst in the harbor.
12. There was a man on board called Pepe; he was a sailor, like myself, on the passage from New Orleans to Havana; he lived aft; he took his meals with the cook, carpenter, and steward, in the cabin; he worked like every other sailor, and took his trick at the wheel as well as any other seaman; I do not know what country this Pepe belonged to.
13. I recollect when the custom-house officers came on board and examined the cargo; I was working forward when they came.

14. After these officers had left the vessel, upon my truth as a man, I saw no person come on board.

15. On the day the custom-house officers came on board and sealed the hatches, I refused to work because I felt sick.

16. I remember the fact of a sailor belonging to the custom-house boat coming on deck on the day the custom-house officers first came on board and examined the cargo; I saw this man come into the galley and ask for some fire. I did not throw the cook any parcel of linen.

17. I did not see the cook cover anything with cloth.

18. When the sailor was on the deck I did not see anything else but wood and the materials of the vessel.

19. There were men on board employed working; I do not know whether they were stevedores or sailors.

20. I signed a letter the other night. Another person signed my name to it, and I made my cross. This letter was directed to the captain. I did not read said letter, because I cannot read. I signed this letter in Mr. Cabarga's store, up stairs. I believe it was Mr. Cabarga himself that signed my name to the letter. Mr. Cabarga read me this letter. He read it to me first in English, and then in Spanish. I believe I understood what the contents of the letter were. I understood the contents of the letter to be to have the difficulty of the brig brought to a termination, or to give me my discharge. I do not remember what the remainder of the letter was. The persons present when I signed the letter were the captain, the mate, the person that signed my name, and, I believe, a few others. The mate, Mr. Teozo, was the person that called me into the store to sign the letter.

Cross-examined by Mr. Teozo.

There were two or three officers on board. There was a man-of-war's boat alongside of the vessel. I signed the letter voluntarily, without being forced to do it. The mate told me that the letter was good for me, and to sign it.

his
JOHN × DAVIS.
mark.

AUGUST 29, 1858.

ANTONIO MARTINEZ, being first sworn to tell the truth, the whole truth, and nothing but the truth, did depose and say, as follows:

1. My name is Antonio Martinez.
2. I belong to Palma, in Mallaria.
3. I am a steward or a cook.
4. I came to Havana in the brig Nancy.
5. I was steward of the Nancy.
6. When I shipped in New Orleans, I was told that the vessel was going to Havana, and going back from Havana to New Orleans.
7. I did not learn anything to the contrary on our voyage from New Orleans to Havana.

. During our voyage from New Orleans to Havana I had no con-
sations with the cook. All my conversations with him were in
rence to the preparations for dinner, or something respecting the
n service.
. I had no conversations with the cook in reference to business
re leaving New Orleans. The cook asked me if I was a Spaniard.
ld him *yes;* and he then said that if I wanted, we could buy some
ts here and sell them in New Orleans. I told him that I had no
ey, and that upon our arrival in Havana we would ascertain if we
d do it or not.
). I recollect having had no other conversation with the cook in
tion to the Nancy.
. There was on board a man called Pepe. I thought he was a
niard, but I do not know it for certain. This Pepe worked as a
r on the voyage from New Orleans to Havana, but he took his
ls in the cabin at the second table, with the cook, the carpenter,
myself. I have not seen Pepe give any orders on board, he worked
ie balance of the crew. He slept in the cabin and had his dun-
in the forecastle. When he was not working, he sometimes
e to the crew forward, and sometimes conversed with the captain
the mate. The captain and Pepe sometimes spoke and conversed
ther alone. I never heard what they said.
. I did not notice whether any alterations were made in the
ing or any other portion of the vessel, as I gave my exclusive
ation to my own business.
. I could not make out whether there was intimacy between the
ain and Pepe, because I could not understand what they conversed
ll.
. All the time the vessel was discharging Pepe remained on
rd, working with the rest of the crew. He did not absent himself
ing the discharge of the vessel. Pepe used to come ashore at
at, after the work was over.
5. After the vessel began to load I never asked the captain where
vessel was going, nor did he tell me. Nobody ever told me where
vessel was going. I did not know where she was going. I knew
hing.
6. While the vessel was loading, there were several persons em-
yed on board, who appeared to be laborers of this country.
7. A great many persons used to come on board the vessel in the
lor. I am ignorant if any one of them was a Spanish captain.
8. I never made any remarks about any persons that had been on
rd.
9. Whilst I was in the jail I never had any conversations about
vessel. Whilst there, some persons who appeared to me to be
lors and prisoners, amongst whom there were Spaniards, Portuguese,
glish, and of all nations, asked me the vessel to which I belonged.
id I belonged to an American vessel, and that we had come from
north. I did not tell them the name of the brig, nor did I give
m the description of her. No one of them made any remarks rela-
to the brig Nancy in my presence.
0. I remember the circumstance of the officers of the custom-house

coming on board and examining the vessel. The officers of the custom-house left two carabineros in the cabin, two boats at both ends of the vessel, and subsequently they placed a sailor on each side of the vessel. After the officers went ashore, I saw no person come on board. In the morning I went to the market in Havana, and returned on board by the way of Regla. Previous to getting to the wharf at Regla I saw nobody there that I knew. When I got to the wharf I hailed the boat to fetch me on board. When I was getting to the wharf I saw Pepe there. When I reached the wharf the boat had already started, but I hailed her, and Pepe and myself went on board together. I do not remember if any persons came on board shortly after we got on board. When we got on board that day the captain was ashore. The mate, Mr. Teozo, was on board. The chief mate had left the Nancy and gone off in a vessel, either Russian or Dutch, I am not certain.

21. I am not sure if any gentleman came on boad the vessel after the first visit of the custom-house officers.

22. I do not recollect having seen any arms brought into the cabin. I am quite certain that I have not seen any arms brought into the cabin.

23. I received no advance here, and did not learn that any other of the crew had received any.

24. I am ignorant if any more men were shipped or to be shipped here; I never learned that the Spaniards employed on board had received any advance.

25. I was here in Havana yesterday morning to get medicine for the fever I was suffering from; the fever came on and I went back home. Yesterday I was on the Plaza de Armas, and whilst there I met Mr. Teozo at the door of a store, and we went together to get a glass of refresco in the coffee house at the corner. I did not go any distance inside of the store.

26. During my permanency on board of the vessel here in the harbor I did not know of any change in the destination of the vessel. I was in doubt about it, and as the captain was on shore I did not ask him.

27. This morning I passed and saw the captain and mate in the same store where I was yesterday, shook hands with the mate and captain, and the mate and myself went into a coffee-house and took a cooling drink; from thence we came here to the office. I have had no conversation either with the captain or the mate; I have not been paid my wages yet; I am entirely destitute of means.

Cross-examination by Mr. Teozo.

There is a partition in the cabin; the back room is occupied by the captain, and when he was on shore I had the key of his room; myself and the mate were the only persons that had the privilege to enter the captain's room. The captain had told me to let the mate go in when he wanted to The first day the custom-house officers came on board the captain's room was locked, and I had the key. A person standing at the galley door near the hatch, it is quite difficult that

ıch a person can see from there into the cabin, the mainmast and ıe boodie hatch being in the way. Since the chief mate ran away knew nobody except Mr. Teozo giving orders on board. I came ıre, besides this time, once with the captain, mate and crew, and ıother day I was here myself. That day the persons present were e consul, the gentleman now acting as clerk, and the cook of the ıancy. The cook came with me to the office; I came here having en sent for by the consul. The consul made me a series of ques-ıns, as that day I was quite unwell; I do not remember what passed; e clerk told me, after the consul had put his questions, that I had not ʻorn to the truth.

When the custom-house authorities first came on board there were ft on the vessel two custom-house guards, one boat at the stern and ıe alongside of the vessel, and then one sailor on each gangway of e vessel. When I came to the office of the consul with the mate ıis morning, I saw the clerk now writing conversing with the cook ıtside of the office. The mate then said: The consul is not here; ;t us go away; we will return. There was no fixed hour when I used ; come to market for the vessel; sometimes I would come at four, ɔmetimes at five, or thereabouts. There was one custom-house officer ın board when I returned from the market on the morning after the ;ustom-house officers had been on board. When I returned from the market there was a government boat at the stern of the Nancy.

Questions by the CONSUL:

I say that on the day I was in the office, and consul put a series of questions to me, his clerk, now present, told me that I had not sworn to the truth. I answered him that I had said everything I knew, and knew nothing more; I had a fever on me, and I did not know much of what I was doing; the door of the room was closed, and I made some remarks in regard to my having told the truth, being in fear when the consul went out of the room, and shortly after came into the room again, accompanied by a sergeant. When the consul was putting a series of questions to me there was no sergeant present; I believe I did make a mark to a paper on that day; when I made my mark the sergeant was not present; I answered voluntarily to the questions propounded to me by the consul on that day; the consul did not use any threats unto me on that day.

Questions by the CAPTAIN:

The consul had sworn me previous to propounding his questions; the doors of the room were shut on the day I gave my testimony; I do not remember who shut the door. After I left the office in the Plaza de Armas, the cook and the carpenter were together, and the cook told me then and there that the consul had had him shut up in his office, and made him sing out what he knew and what he did not know, and that the consul had threatened him that if he did not tell the truth he would have him put for two years in prison. The second time I came here this morning the clerk was walking outside of the office; I did not know whether the office was shut or open; it was outside of the office that the clerk was walking with the cook.

Questions by the CONSUL:

I was on this side of the town yesterday afternoon, and remained until about prayer hour. I did not see the captain or mate or any one of the Nancy.

his
ANTONIO + MARTINEZ.
mark.

HAVANA, *August* 31, 1858.

Captain John Williams, of the brig Nancy, having this day signified to me his desire that I should examine upon oath two witnesses to be produced by him, viz: Don Antonio Cabarga and Don Nicholas Orfila, both residents of Havana; and having so produced said witnesses, I now proceed to take their examination:

Don ANTONIO CABARGA, being first sworn to tell the truth, the whole truth, and nothing but the truth, doth depose and say, as follows:

Being questioned by the CAPTAIN, he answered:

1. I recognize a document which was signed in my presence by the crew of the brig Nancy.

2. I read the document to the crew first in English and then translated it to them in Spanish, and finally requested the mate to read it to them in Italian, which he did, and they said that the contents corresponded with their feelings.

Questions by the CONSUL:

1. I do not know where the first part of this letter was written, nor do I know who wrote it.

2. I found this letter on the desk up stairs in my office. Captain Williams came down stairs in my store and requested me to read, translate the letter to the crew, and witness their signatures thereon.

3. All this, viz: the reading and translating of this letter, took place in my store up stairs.

4. All those who signed this letter were, with the exception of the cook, present at the time the letter was read and signed.

5. The captain and the crew asked me to read them the contents of the letter and explain it to them, which I did; and having asked them if they understood it, they said yes.

6. Mr. Orfila, my clerk, was in the room when I got there with the captain.

7. The note at the foot of the letter, over the signature of the cook, is in my own handwriting; it was written by request of the cook.

8. I do not know in whose handwriting is the certificate attached to the letter. The certificate was produced at the same time as the letter. This signature, A. Cabarga, appearing on the certificate, is my own. The other signature is that of my clerk, and was put there by himself.

A. CABARGA.

Nicolas Orfila, being first sworn to tell the truth, the whole truth, d nothing but the truth, did depose and say as follows:

1. I saw the men sign the document and put their marks to it.
2. I heard Mr. Cabarga read them this letter, first in English and n in Spanish.
3. I heard them say that they were satisfied with the translation of letter.

Questions by the CONSUL:

1. I did not see this document before the sailors came in the office sign it.
2. I read the document first myself, and then the sailors came in d signed it.
3. I do not know the handwriting on the letter signed by the sailors.
4. The letter was placed in my hands by Captain Williams, who quested me to read it to the sailors.
5. When the sailors came into the office I did not see the letter in ie hands of either one of them.
6. I am certain that Mr. Cabarga gave to the crew a true and faithl translation of the letter. Both Spanish and English were used in ading and translating the letter to the crew—no other language was sed.
7. The note above the signature of the cook is in the handwriting f Don Antonio Cabarga. The note was there written by request of he cook.
8. I do not know the handwriting of the certificate attached to the etter, but do recognize the signatures thereunto affixed as being my wn, and that of Don A. Cabarga.

N. ORFILA.

ONSULATE GENERAL OF THE UNITED STATES OF AMERICA, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, viceonsul general of the United States of America for the island of Cuba, siding at Havana, personally came and appeard John Davis, sailor the brig Nancy, now in this port, who, being sworn by me to tell ie truth, the whole truth, and nothing but the truth, did declare and pose as follows: I am a sailor before the mast; I shipped in New rleans; I understood at the time of shipping that the vessel was ing to Havana and returning from Havana to some port of the nited States; I heard nothing to the contrary on the passage from ew Orleans to Havana; I never heard, since arrival in Havana, of y change in the destination of the ship; I never asked the captain officers the destination of the vessel, and they told me nothing about ; I never was called in the cabin by the captain and offered advance, d I do not know that any was ever offered to others of the crew; I ver formed any opinion about the destination of the vessel. When ie officers of the custom-house came on board to search and examine

the vessel, I was working aloft and saw the officers; there was on board a Spaniard that acted as second mate; I was all day long working aloft on the day the custom-house officers came on board and saw nothing; I did not go into the hold, nor did I see on the deck any box or keg; I saw nothing thrown overboard that day; after the custom-house officers had gone ashore, some seven gentlemen came on board; I do not know whether they were Spaniards or not; I did not see on deck any muskets, machetes, pistols, or handcuffs; there were on board some Spaniards employed in the hold; I do not know whether they were sailors, stevedores, or stevedores' aids; when the officers of the custom-house came on board I was working aloft with my shipmates, and Pepe was forward attending to some work of the rigging; I do not know whether Pepe went into the hold or not, I did not see him; I can recollect nothing further pertaining to this matter, and I make my ordinary mark.

his
JOHN + DAVIS.
mark.

Witness to his mark—
H. PAUL CAIRE.

In testimony whereof I hereunto set my hand and affix the seal of
[L. S.] my office, at Havana, this 14th day of August, A. D. 1858.
THOS. SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America for the Island of Cuba, residing at Havana, personally came and appeared Antonio Martinez, steward of the brig Nancy, now in this port, who, being sworn by me to tell the truth, the whole truth and nothing but the truth, did declare and depose as follows: I shipped in New Orleans. When I shipped I was told that the vessel was going to Havana, and was coming back from Havana to New Orleans. I did not learn on the voyage what was the destination of the brig; I had some conversations with the cook, and said to him that on arrival at Havana we could buy some fruits, &c, to take to New Orleans. I do not recollect what the cook said to me in answer. There was a man on board belonging to the crew named Pepe. When I came on board he was there, and I understood that he was an assistant second mate; after we had gone to sea, without recollecting whether it was the first or second day, the captain ordered me to call Pepe to take his meals with me in the cabin. Pepe is a Spaniard. He lived and slept in the cabin. On the passage to Havana, Pepe worked with the other seamen, though generally he was among the officers. I saw the captain and Pepe conversing together sometimes, either in the cabin or on top of the house, as if secret. But as they talked in English, and I am not sufficiently familiar with the language, I could not under-

and what they said. These secret conversations between the captain nd Pepe, both on the passage and here, and the changes made here ı the rigging of the vessel, led me to suspect that something secret as going on, as I could not account for the great intimacy between he captain of an American vessel and a man in the position that Pepe eld in the vessel. Pepe used to come ashore when he pleased at ight, by himself, dressed as a gentleman. After the vessel had commenced loading, I one day asked the captain where we were going, ıe answered we were going to Europe. I told him I would not go o Europe. From the nature of the cargo, from remarks made around ne and other various causes, my suspicions were aroused that the ressel was not going on a lawful voyage. There were some four or five men, Spaniards, who came on board and were put to work in the hold. Several Spanish gentlemen came on board and had conversations with the captain in the cabin. I do not know whether one of them was a Spanish captain or not; and I do not remember having made any remarks about such a Spanish captain. When we were in the prison I was asked by some Spanish sailors, imprisoned there for slave trading, to what vessel I belonged, and one of them, after learning the vessel's name and her description, remarked that the Nancy had, once before, been to the coast of Africa and brought a cargo of slaves. I remember the day on which the custom-house officers came on board the Nancy and searched and examined the vessel. That night, about two o'clock, when the custom-house officer was placed on board, I was sleeping on the house-top. The next morning Pepe and the Spaniards that were on board went ashore, and I afterwards went to shore to market. When I came back I found Pepe on the wharf in Regla, hailing the vessel. He went on board in the vessel's boat, and the boat came back to fetch me aboard. Subsequently three gentlemen who spoke Spanish came on board; they appeared to be Spaniards. One of them only went into the cabin. The captain was not on board. The mate, Louis Teozo, and Pepe, who had been made known to the crew as the second mate, were on board at the time; the ormer chief mate had gone away some days before in a Russian brig. The three gentlemen above mentioned held some conversation in a ow voice near the cabin door; I was in the pantry room and could ot make out what they said. The gentleman that came into the abin went out by the back part and entered into conversation with he custom-house officer who was there. I did not see where the other wo went, but I inquired and was told that they had gone into the old. Pepe was also down in the hold. I was at work in the cabin, hen I saw brought into the cabin and carried into the captain's oom some seven or eight muskets, bayonets, and machetes. I could ot see what was taking place on the deck, because I was in the cabin nd there was a big pile of wood in the way, which prevented me rom seeing what was going on. I received no advance beyond what was paid me in New Orleans. I was offered no advance here, and I understand that none was paid here to the regular crew of the brig. One morning I was ashore, and I was informed that the Spaniards that were on board had received advances, and when I went on board I intended to ask *the captain whether* he was going to give me any

money, but on the same day we were all arrested, and I had no chance to speak to the captain on the subject.

I can recollect nothing further pertaining to this matter, and make my ordinary mark.

his
ANTONIO × MARTINEZ.
mark.

Witness to his mark—
H. PAUL CAIRE.

In testimony whereof I hereunto set my hand and affix the seal of my office, at Havana, this 14th day of August, A. D. 1858.
[L. S.] THOMAS SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the Island of Cuba, residing at Havana, personally came and appeared Vicente Torena, seaman of the brig Nancy, now in this port, who, being sworn by me to tell the truth, the whole truth, and nothing but the truth, did declare and depose as follows: I shipped in New Orleans; I knew the brig was coming to Havana, and I understood she would return to the United States, either to New Orleans or New York; I did not hear or learn anything on the passage from New Orleans to Havana about the destination of the vessel; I did not hear on our arrival at Havana, or during our stay there, where the vessel would go to, although I was induced, by the nature of the cargo, to inquire from the stevedores, but they could not or would not tell me, and the mate never permitted us to look particularly into the hold; the mate I refer to is Mr. Teoso; myself and the rest of the brig's crew were always kept at work aloft; I was once called into the cabin by the captain, while in port here, when he promised me thirty dollars advance, but he did not tell me where the vessel was going to; I was on board when the custom-house officers came on board and searched and examined the cargo; I did not receive the advance offered me by the captain; I understood the vessel was going from here to New York, and from New York to New Orleans; we had on board a man by the name of Pepe, (a Spaniard, I believe,) who, although engaged as sailor, did no work at all, or very little, at which the crew got very discontented; said Pepe used to dine in the cabin together with the cook, carpenter, and steward; he lived in the cabin; I often saw him conversing with the captain; when the custom-house officers came on board the vessel and went down into the hold, I and others of the crew were on the deck; I saw the officers; the Spaniard called Pepe was down in the hold with the officers; the man Pepe gave many orders on board to the crew, just as if he was an officer; but during the voyage to Havana and in port *there* seemed to be on board as many officers as there were men; said *Pepe used to* go ashore when he pleased, and return on board when

he pleased; I can recollect nothing further pertaining to this matter, and make my ordinary mark.

his
VICENTE × TORENA.
mark.

Witness to his mark—
H. P. CAIRE.

In testimony whereof I hereunto set my hand and affix the seal of
[L. S.] my office, at Havana, this 13th of August, A. D. 1858.
THOMAS SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America for the Island of Cuba, residing at Havana, personally came and appeared Michael Vidall, cook of the brig Nancy, of New Orleans, now lying in the port of Havana; said appearer not speaking the English language very fluently, and understanding that he speaks French well, I employed Mr. H. Paul Caire to act as interpreter; said Caire was first sworn by me to make true and correct translations of all and everything asked by me of said Vidall, and of all the answers and statements given by said Vidall; the said Vidall being first sworn to tell the truth, the whole truth, and nothing but the truth, did declare and depose as follows, to wit: I am a native of Malta; I shipped in New Orleans on board of the Nancy; at the time of shipping I knew we were coming to Havana; I was not told where the brig would go from Havana; I know that several sailors refused to ship on the brig because it was currently reported in New Orleans that the brig was going to Africa from Havana; on the passage from New Orleans to Havana the steward and myself used to have conversations together; the steward told me that we were going to Africa; that if I wanted to put three ounces, he would put the same amount, and we would enter into some trading operations; the steward said we could buy handkerchiefs, and such articles; I asked the steward where I should get the three ounces; he replied, on our arrival at Havana we can make arrangements with the owners; after arrival in Havana the second mate and a Spaniard who was shipped as a sailor in New Orleans used to have a good deal of consultations together regarding the change to be made in the rigging; this Spaniard was called Joseph, and, though shipped as a sailor, acted as an officer, and lived in the cabin; he took his meals with the carpenter, steward, and myself; he never spoke to me about the object of the voyage, and very seldom spoke to any one of the crew; this man had great influence with the brig's consignee here; the latter used to go very often on board; I do not know the consignee's name, but would know him if I saw him; there were three persons from the shore that had to do with the cargo put on board the brig at Havana. Whilst the vessel was in port there came on board a gentleman of about thirty-five

years, whom the steward pointed me as being the captain who was going to take charge of the vessel on her voyage from here to Africa; this gentleman was a Spaniard; he came three or four times on board, and I saw him on shore several times; saw him yesterday at Cabargas. Whilst the vessel was in port five sailors were shipped on board; two or three days afterwards another was also shipped on board, (all six of them being Spaniards,) and I heard from them that some more were coming on board; one of the five who were embarked first, and who was attending to the filling up of the barrels, told me that they were going to the coast of Africa. After this gentleman had been three or four times on board, the steward told me, Now we will have plenty to eat and be very well fed, because this gentleman is very fond of good living. Last time the vessel went to the coast of Africa all the men on board were very well fed and received one thousand dollars a piece. On the 14th or 15th of July, on Wednesday or Thursday, the officers of the Spanish government came on board the vessel and took an inventory of all the goods on board; on the same day, after tney had left the vessel, there came on board three gentlemen, one of whom was pointed out to me as Don Fernandez; although I do not know exactly the names of said gentlemen, I could recognize them very easily were I to meet them; upon their arrival on board, the gentleman pointed out to me as Don Fernandez went to the revenue guard, who was on board, and had with him a conversation for about half an hour; whilst this conversation was going on between said gentlemen and the revenue guard, the other two gentlemen went down in the hold with the above-named sailor, *Joseph*, and once there, ordered him to look for and find out a box numbered *one*, and a keg of powder; the said Joseph went immediately to work and succeeded in finding out said box; said box was then broken open by said two gentlemen and said Joseph, and the contents thereof were taken on the deck; said box contained about a dozen of muskets, several pistols, (revolvers, I believe,) wrapped up in paper; several very large knives, with their scabbards; copper thread, thread, and a very large number of handcuffs; said handcuffs were thrown into the sea; as to the other articles, into the box; they were preserved, and they have been carefully hidden in the captain's cabin, behind the drawers of his bunk. Whilst the articles in said box were being brought up on the deck I was present, together with the steward, the mate, and one of the sailors named *John*, the said above-named two gentlemen and Joseph remaining in the hold, together with two of the sailors, one of whom was named *George* and the other *Nicolas;* after they had all left the hold, said Joseph went on looking for the keg of powder, and, having found it in a barrel of lime or flour, took it on deck and threw the contents thereof into the sea; this was done in presence of all the persons on board, to wit, myself, the steward, the mate, and said Joseph, said above-named three gentlemen having already gone ashore. On the day the vessel was being loaded, the captain took me down to his cabin, and the following conversation took place between us: Well, said he, how much do you want in advance? In advance, said I; well, I have already taken twenty dollars in New Orleans; where is the vessel going to? She is going

where she is going, was his answer. How much will you have? Well, I'll have the same amount you have given to the other hands on board. Then, says he, you will get forty dollars in advance. The captain took down to his cabin all the men on board, one after the other. The steward told me that the Spanish sailors on board had received four ounces a piece; that he would not go for less, and he advised me to do the same. I have not yet received the amount promised me by the captain. Whilst the vessel was being loaded, the mate pointed to said Joseph, and speaking to the hands on deck, said that he was from that day appointed second mate, and that he was to perform the duties incumbent upon said officer during the voyage from here. From the conversation on board among the men, the nature of the cargo, and the other circumstances above related, he verily believes that the object of the voyage of the brig Nancy to the coast of Africa was to bring a cargo of slaves. In the declaration I gave to the Spanish officials here in the prison I concealed all the above facts; I did not deem it for my interest to state the truth to them; I was not instructed or advised by the captain or mate as to what I was to say to the Spanish officers; there was no opportunity of conversation between them and me. I can recollect nothing further pertaining to this matter, and subscribe my name.

MICHELE VIDELL.
H. PAUL CAIRE, *Interpreter.*

In testimony whereof the said appearer, Michael Videll, and the said interpreter, H. P. Caire, have subscribed their respective names hereto, and I, the said vice-consul general, have hereunto set my hand and affixed the seal of my office, at Havana, the 13th day of August, A. D. 1858. [L. S.]

THOMAS SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America for the Island of Cuba, residing at Havana, personally came and appeared John Collins, seaman and carpenter of the brig Nancy, lying at this port, who, being by me sworn according to law, solemnly declared as follows, to wit: I am a citizen of the United States and now produce my certificate of citizenship by naturalization, and my protection. I shipped in New Orleans to come to Havana, at twenty-five dollars per month, and with the understanding that we were to return direct from Havana to New Orleans. I had no information, either in New Orleans or Havana, that the Nancy was going to Africa. I was not aware she was going on such a voyage the day that the captain, mate, my shipmates, and myself were taken to prison. I would, upon no consideration, have consented to go to Africa, as I am too old for such a voyage (about fifty-three years), and have children in New York. I

did not sign my name to the shipping articles in New Orleans; the shipping master wrote down my name and I made a cross. I repeat that I understood the Nancy was bound on a voyage from New Orleans to Havana and back, direct from Havana to New Orleans. One or two days before the custom-house officers came on board and sealed the hatches, when the water was brought on board, I became suspicious that something was wrong. I asked an old Spaniard who was then on board, and who I took for a stevedore, what sort of cargo that was; after one or two remarks, he said something about it being required for ballast, and the pipes to be filled with oil in case the vessel went to Africa. This kept me somewhat suspicious, and on the Saturday (17th July) when the custom-house officers came on board I wanted to go on shore and see the consul to ask for my discharge, and spoke of my intention to the rest of the crew; but I was taken to prison the next day, Sunday, and had not the chance to carry out my wish. I had so much work to do on board all the time that I had no time to look much about me to ascertain what was going on.

his
JOHN × COLLINS.
mark.

Witness to his mark—
H. PAUL CAIRE.

In testimony whereof I hereunto set my hand and affix the seal my office, at Havana, this twelfth day of August, 1858.

[L. S.] THOS. SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice consul general of the United States of America, for the island Cuba, residing at Havana, personally came and appeared Nicholas Theodore, one of the crew of the brig Nancy, of New Orleans, now in this port, who, being by me sworn according to law, solemnly declared as follows, to wit: I was engaged for the brig Nancy at the last moment when she was about leaving New Orleans, with the understanding that I was to be taken back in said vessel from Havana to New Orleans. About three days after I had been on board, I handed to the then second mate, Mr. Louis Teozo, the sum of one hundred and thirty dollars, requesting him to take care of them for me; said Teozo handed them to the captain on arrival here; on a Sunday. I asked Mr. Teozo first, and then Captain Williams, to give me my money, which the captain declined to do, saying that as soon as I got the money I should run away; to which I answered that I had not come here for that purpose, but to return to New Orleans; he then promised to give it to me the next Sunday; when this Sunday came he did not comply with his promise, as I was then very sick; in the evening we were all taken to prison. Since we came out of prison I have asked the mate, Mr. Teozo, for my money several times; each time

he has answered, "there is no use in asking the captain, he has no money now." I was not aware until three days after being taken to prison, I was then in hospital, that my vessel was going to Africa. I believed we were to return to New Orleans. Nothing was said to me to the contrary.

his
NICHOLAS × THEODORE.
mark.

Witness to his mark—
H. PAUL CAIRE.

In testimony whereof I hereunto set my hand and affix my official seal, at Havana, this twelfth of August, 1858.

[L. S.] THOS. SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America for the Island of Cuba, residing at Havana, personally appeared and came Michel Vidal, cook on board the brig Nancy, of New Orleans, who did declare and say as follows, viz: That he desired me to take his affidavit upon an important matter relating to the examination of the crew of said brig before the tribunal of the real audiencia.

And said appearer being first by me sworn to tell the truth, the whole truth, and nothing but the truth, did depose and say—

My name is Michel Vidal.

I was a cook on board of the brig Nancy, of New Orleans, lately seized by the Spanish authorities under suspicion of being fitting out for the slave trade.

On Thursday last, 16th instant, I received from the real audiencia an order to appear before said tribunal to give my testimony in the case of the brig Nancy.

On the appointed day, Saturday, 18th instant, I presented myself before the tribunal, when and where I met in a room Mr. Antonio Cabarga, and several gentlemen who appeared to me to be clerks employed in the office; several of them were occupied writing.

A gentleman who was at a desk, writing, made me several questions in Spanish. I told him that I could not speak this language well enough to understand what he meant.

Mr. Cabarga then said that I spoke the Spanish as well as he; but, upon my remarking unto the gentleman at the desk that it was impossible, as he was a Spaniard and I was a Maltese, Mr. Cabarga gave me a translation into English of the questions thus propounded unto me.

The clerk at the desk asked me if I was a cook on board of the Nancy. Mr. Cabarga answered that I was.

Mr. Cabarga asked me if, when in prison, I had not stated that the

captain had told me he was going to Africa. I answered this was not the case; that I had never said such thing.

I refused to sign the declaration taken down by the clerk unless it was read to me, and unless I had a fair translation of the same. Mr. Cabarga told me then that this declaration was only a similar one to that I had made when in the jail.

When called upon to give my testimony in this case I was not sworn, and all the questions were asked me by Mr. Cabarga.

MICHEL VIDAL.

In testimony whereof I hereunto set my hand and affix the seal of my office, at Havana, this twentieth day of September, A. D. 1858. [L. S.]

THOS. SAVAGE.

HAVANA, *August* 23, 1858.

DEAR SIR: We, the undersigned, seamen of the brig "Nancy," consider it our duty to inform you that the American consul has sent for us several times to sustain his charge as regards the seizure of said brig, which charge we know nothing of; he stated to us if we would tell the truth that he would provide for us. We told him we would state nothing but facts, which we did. He then said he would imprison us for one or more years, as we did not coincide in his opinion, not only that he has kept us in the consulate of the United States with closed doors for several hours in succession, when we could not testify falsely he ordered us out of the office; he further stated that you would do nothing for us, and if such is to be the result of this, we beg of you to inform us of facts, so that we may try to get away from this port, after you pay us what wages are due to us, and at the same time our discharges, that we may be entitled to ship in the first vessel that may offer.

NICHOLAS THEODORE.

VICENTE his + mark. TORENO.

JOHN his + mark. DAVIS.

JOHN his + mark. COLLINS.

I, the undersigned, cook of the American brig Nancy, do say that the contents of this letter is all correct, excepting that the consul never told me that I had no business to look to my captain for any assistance, neither did he offer to imprison, but he offered to pay my board and pay me one dollar per day whilst detained in this port.

MICHELE VIDALL.

Captain JOHN WILLIAMS.

HAVANA, *August* 23, 1858.

We, the undersigned, were called upon by the persons who have ;ned the foregoing letter to witness the signatures of Nicholas Theo- re and Michael Vidall, and to sign for Vicente Toreno, John Davis, d John Collins, who made their marks in our presence, saying that e letter was true, and conveyed what they desired to know from the ptain. We were also requested by Captain John Williams, of the brig ancy, to comply with the request of his crew, and therefore witnessed e signatures and marks as made to the document herewith.

A. CABARGA.
N. ORFILA.

Mr. Dallas to Mr. Cass.

[Extract.]

o. 123.] LEGATION OF THE UNITED STATES,
London, September 16, 1858.

SIR: The despatches from the department to No 128, inclusive, have en received.

You will recollect that in your No. 103, of the 12th of May, 1858, was instructed to bring to the attention of the Earl of Malmesbury e circumstances reported by our consul general at Havana, indicating e exercise, by British armed vessels, of a sort of espionage over our erchant ships in that harbor. This instruction was fulfilled, partly a personal interview with his lordship on the morning of the 31st May, and partly by sending him, in the afternoon, at his request, opy of your despatch. I received the day before yesterday, on this ecial topic, the note of his lordship, and its annexes, copies of which e subjoined. Mr. Crawford, her Britannic Majesty's consul general, der date of the 3d of August last, gives the "representation the ost positive denial," adducing no evidence except that which may drawn from his return of the British ships-of-war that were at the avana during the years 1857 and 1858. Now, our consul general, r. A. R. Blythe, under date of the 29th of April, 1858, speaks of any complaints by American masters, and specifies several by name; d it is curious to note that among these he mentions the brig A. A. apman; a brig which, by the narrative of her captain, A. P. Lau- nt, (transmitted to me in your No. 106,) was, on the *9th of April*, nen she left the port of Havana, pursued and fired at by the "For- ard," a crusier, which this very return of Mr. Crawford shows to ve been in that harbor on the *8th of April*, and after leaving it tem- rarily, to have re-entered it on the *12th of April*. I do not propose, ithout your renewed direction, to reopen this subject, after what has ssed, but it is obvious that Mr. Crawford, though designing to keep accurate register of the arrivals and departures of the British uisers, could not know all that was done by their respective crews hile in the harbor.

* * * * * * * * *

With my No. 121 I transmitted a copy of the letter addressed by me on the 24th day of August last to her Majesty's principal secretary of state for foreign affairs, written solely to found a claim of redress for the outrages and damages incident to the capture of the American brig "Caroline," of Boston, by the British steam sloop-of-war "Alecto."

On the 8th instant Mr. Seymour Fitzgerald sent to the legation, during my absence at Tunbridge Wells, the reply of his lordship, dated at Potsdam, 28th August, 1858. It was forwarded to me, and, I must confess, excited equal surprise and indignation. Of course I forebore acknowledging it while under the influence of these sentiments, which are always bad counsellors; but, the day after my return to London, the 11th instant, with as much dispassionate composure as was possible, and scrupulously avoiding the example set me, I prepared the answer. These several papers are annexed in copy. The motive and meaning of this sudden explosion it is useless at this moment to analyze. I might be tempted, in that process, to be unjust, personally as well as politically. It is quite obvious, however, that if the American minister cannot be allowed, while exhibiting the utmost deference and respect towards the British government itself, and each of its functionaries, to depict in their true colors the wanton insults and outrages inflicted upon his fellow-citizens by naval officers of this country, he might as well cease to make reclamations on that score. If, instead of viewing with especial displeasure, and as open to the widest remark, those who abuse their commissions by violating orders, oppressing the helpless, and endangering national peace, this government thrusts before them the shield of its protection at the very outset, and insists upon their conduct being only drily and delicately touched, the promise of ample reparation for illegal injuries is an illusory one. I have heretofore often spoken as these indefensible aggressions deserved. Whether I must hereafter be tamed down depends not upon this government, but upon my own; and, while as an independent representative agent, I hope, if permitted, to do all things fairly as well as firmly, I will accept a lesson on the subject from the President and yourself alone.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

Mr. Fitzgerald to Mr. Dallas.

FOREIGN OFFICE, *September* 14, 1858.

SIR: With reference to the despatch from the United States consul general at Havana to his government of the 29th of April last, of which a copy was enclosed in a note which you did me the honor to address to me on the 31st of May, representing that American vessels in the port of Havana are subjected to a system of "espionage" and annoyance by the boats belonging to the British cruisers, I have now

nor to transmit to you an extract of a despatch, with copies of closures, which I have received from Mr. Crawford, her Majesty's l general in Cuba, upon this subject, which appears satisfactorily wer the statement made by the United States consul general at na.

ave the honor to be, with the highest consideration, sir, your obedient humble servant,

WILLIAM SEYMOUR V. FITZGERALD,

absence of the Earl of Malmesbury.

M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

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ct of a despatch from Mr. Crawford, her Britannic Majesty's eul general at Havana, to the Earl of Malmesbury, dated August 1858.

With reference to that part of your lordship's despatch No. 4, of eries, of the 11th June, and consequent letter to the admiralty, the subject of the representation made by the United States con- eneral of this place, to his government, that American vessels in ort of Havana are subjected to a system of 'espionage' and an- nce by the boats belonging to British cruisers, I proceed to give epresentation the most positive denial.

beg leave to lay before your lordship the copy of a despatch and enclosure which I addressed to Commodore Kellett, at Jamaica, swer to his inquiry as to the truth of the American's statement; our lordship will see, by the return of her Majesty's ships-of-war vana in 1857 and 1858, that none of our cruisers were in port, y period of time, to permit the exercise or practice of such sys- f espionage if it ever had been intended or thought of."

Mr. Crawford to Commodore Kellett, C. B.

HAVANA, *July* 28, 1858.

: Her Majesty's government having directed my attention to a ment made by the United States consul general at this place to overnment, dated the 28th April last, representing that Ameri- essels in Havana are subjected to a system of espionage and an- nce by the boats belonging to British cruisers.

e American consul's complaint appears to be founded upon the vits of several persons, as to the truth of which the consul gen- lid not trouble himself to inquire, and it will be my duty to show r Majesty's government that the statement referred to is devoid l foundation.

nclose herewith, for your information, a return of all the British -of-war which came to Havana during the years 1857 and 1858. 1857 you will observe that there were no cruisers. The line-of-

battle ships and the frigates cannot be looked upon as occupied in the suppression of the slave trade. The smaller vessels only touched here on their way to other places. In 1858 a reference to the return will show that the British vessels-of-war employed for the suppression of the slave trade were seldom in this port, and then only for the purpose of coaling, the shortest time possible, and their time fully occupied in other matters, so that, had they been so disposed, they could not have exercised any such "espionage" as is reported to have been carried on by them over the ships in harbor.

Under these circumstances I can have no hesitation in assuring her Majesty's government that, whatever the American masters may have had to conceal, they were neither watched nor interfered with by the boats belonging to the British men-of-war in any way whatever.

I have, &c.,

J. T. CRAWFORD.

British ships-of-war at Havana in 1857 *and* 1858.

Name of vessel.	Guns.	Date of arrival.	Where from.	Date of departure.	Where bound.	Remarks.
Nile	91	Jan. 29, 1857	Port Royal	Feb. 3, 1857	Bermuda	
Euryalus	50	Mar. 1, 1857	Vera Cruz	Mar. 4, 1857	do	
Mariner	12	April 8, 1857	Pearl Island	April 18, 1857	England	
Arab	12	May 23, 1857	Port Royal	May 25, 1857	do	
Cossack	20	May 28, 1857	do	May 30, 1857	do	
Orion	91	July 14, 1857	do	July 16, 1857	Halifax	
Brunswick	80	Mar. 24, 1858	do	Mar. 27, 1858	England	
Styx	6	do	Cruise	Mar. 24, 1858	Cruise	About 10 hours in port, attending the case of the Juniata.
Forward	1	April 8, 1858	do	April 10, 1858	do	
Styx	6	do	do	do	do	Coaled—48 hours.
Forward	1	April 12, 1858	do	April 12, 1858	do	Three hours in port.
Styx	6	May 7, 1858	do	May 10, 1858	do	Coaled—2½ days.
Atalanta	16	May 27, 1858	Vera Cruz	May 29, 1858	Bermuda	Called for water.
Devastation	6	June 3, 1858	Bermuda	June 6, 1858	Cruise and Bermuda.	Coaled.
Styx	6	June 27, 1858	Cruise	June 29, 1858	Halifax	Coaled.
Devastation	6	do	Port Royal	July 1, 1858	Cruise	Commodore's flag.
Jasper	1	July 9, 1858	Trinidad	July 9, 1858	Tampico	Coaled.
Jasper	1	July 16, 1858	Cay Sal	July 17, 1858	Port Royal	Coaled.
Lapwing	2	July 28, 1858	Port Royal	July 28, 1858	do	Coaled.

NOTE.—The "Forward" called the 12th April to report the accident to the Swedish brig "Sydpolen."

The "*Styx*" sent in a boat for despatches twice or thrice.

The "*Jasper*" also sent a boat in to inquire for the commodore.

The "*Arachne*" called off the port and sent a boat in, but all such boats came direct to and returned direct from the landing place at the Machina.

HAVANA, *July* 28, 1858.

J. T. CRAWFORD,
Consul General in Cuba.

Mr. Fitzgerald to Mr. Dallas.

mour Fitzgerald presents his compliments to Mr. Dallas, he honor to forward to him, herewith, a note from Lord ry, the transmission of which, owing to his lordship's from Prussia to London, and again to Scotland, has accieen delayed.

OFFICE, *September* 8, 1858.

The Earl of Malmesbury to Mr. Dallas.

POTSDAM, *August* 28, 1858.

is with great regret that I have to acknowledge the receipt which you did me the honor to address to me on the 24th alling the attention of her Majesty's government to the hich the owners of the American vessel "Caroline" give of re and detention of that vessel by her Majesty's ship and expressing the hope that they will recognize, in the ices of the case, a just and impressive ground for adequate redress.

now the honor to inform you that these statements will be ly forwarded to the Lords Commissioners of the Admiralty, hat Captain Hunt may have an opportunity of explaining, sible, of repudiating these charges, which, if correctly re- the master of the "Caroline," would undoubtedly expose ie serious displeasure of her Majesty's government, and to uences incidental to an unlawful act on his part.

vious language and conduct of her Majesty's government onvince the government of the United States that they will the American or any other flag to be causelessly offended officers. At the same time, it is a duty which her Majesty's it owe to these officers carefully to investigate any accusah may be brought against them before reproof be adminismpensation be granted.

allude to the spirit and conduct which her Majesty's govave so lately shown towards the United States upon the f the right of search, I cannot but observe upon and regret ssions used by you with respect to the supposed language, true, I admit to be inexcusable, of the officers of the

ak of it as "the customary, artful, and intimidating hints," as that of baffled "cupidity and arrogance."

t expression infers that to make a proposal to sink flag and the usual course pursued by her Majesty's captains who ected vessels, and I cannot lose a moment in repudiating, st unequivocal manner, this unproved assertion.

ter phrase assumes the misconduct of the officer accused has had a chance of reply, or before her Majesty's govern-

has had the time for investigation. It imputes the basest mo-
for an act which, even if correctly described, a friendly minister
t have been expected to attribute, in the absence of further evi-
, to indiscretion and a mistaken sense of duty.
'ould therefore impress upon you that, in a diplomatic appeal to
e between two powerful States, whose servants are anxious to
ote mutual concord, and to represent the civilization of which
boast, offensive expressions can only tend to diminish the respect
which such complaints ought always to be received.
ave the honor to be, with the highest consideration, sir, your
obedient, humble servant,

MALMESBURY.

M. DALLAS, Esq., *&c.*

Mr. Dallas to the Earl of Malmesbury.

LEGATION OF THE UNITED STATES,
London, September 11, 1858.

r LORD: I received, on the 8th instant, the note which your lord-
did me the honor to address to me, bearing date at Potsdam,
ıst 28, in reply to my communication of the 24th, respecting the
rican brig "Caroline," captured by her Majesty's steam sloop-of-
"Alecto," on the 8th of May last, and detained as a prize until
1th of that month; and I am happy in being informed that your
hip will forward the statements accompanying my letter to the
commissioners of the admiralty for investigation.
this note it has also been deemed necessary by your lordship to
emn as "offensive" certain expressions employed by me in refer-
o the deportment and language of those who seized the Caroline.
ome minds, my lord, few things are less welcome than the sup-
ion of being wanting in respect where respect is certainly and
ently due. Had it occurred to your lordship, in the light of the
ındly minister" spoken of, to intimate the existence of supposed
rtunate words in my letter, I am free to declare that, though they
ıt seem to me just in reference to the persons to whom they apply,
ıuld have felt great pleasure, while pursuing on the particular
ion an almost mechanical duty, in expunging, without mercy,
y ill-considered, over-zealous, or misconceived phrase, rather than
r the hazard of disturbing the intercourse which, as a public agent,
s been my happiness to maintain with her Majesty's government.
tone of your lordship's note, however, precludes such an impulsive
fice of diction, and constrains me, with every sense of deference,
mark upon the foundation and hearing of the expressions to which
earnest exception has been taken, with a view of ascertaining
her in their real character (perhaps misapprehended) they be un-
d for and inapposite.
ıring his short residence in London, and especially during the
two or three months, it has unhappily been the duty of the min-

ister of the United States to trouble the department of foreign affairs with a large number of reclamations similar to the one presented on behalf of the owners of the brig Caroline. All of these have rested upon allegations, more or less grave, of illegal conduct on the part of British naval officers, in pursuing, overhauling, arresting, and generally illtreating, American vessels engaged peacefully in lawful trade. That these aggressions should be charged upon those who hold her Majesty's commissions is as painful to myself as to your lordship. The truth compelled it, and I make no doubt that the possession of an honorable public trust would always be regarded as deepening rather than effacing a wrong. In some, in nearly all, of these cases, numbering now twenty-two, the authority to commit the alleged injuries has been disavowed; and, in two or three, the culpable officers have been withdrawn from their commands or otherwise censured. I beg here to disclaim for the government at Washington the slightest discontent with the course which her Majesty's government has pursued in regard to this whole subject. On the contrary, it was made my pleasing duty to convey to your lordship, at the interview with which I was honored on the 19th of July last, the satisfaction with which the President hailed what he esteemed to be a termination to the controversy that had so much disturbed the relations of the two countries.

These reclamations, when submitted to her Majesty's government, have, it is believed, without exception, been accompanied by compressed statements of their substantial points; showing with convenient brevity the facts relied upon and the inferences deducible from those facts in favor of each claim. This was a burden believed to be devolved on the minister who had them in charge. As to the Caroline, the same form was, it has been already observed, almost mechanically pursued. Exact copies of the documents transmitted to this legation from the Department of State, containing all the information possessed here, accompanied my letter, and to these, as the foundation of the call for reparation, your lordship's "candid and scrutinizing attention" was specially invited. With me, my lord, the narrative, made under the sanction of an oath, not, as has been inadvertently supposed, by the interested claimants themselves, but by their intelligent agent, the master of the brig, the very day after the incidents closed at Sierra Leone, had to be accepted as *prima facie* true. Assuredly, and as a matter of course, that narrative would be tested, and might, except in some of its fundamental positions, be wholly disproved; but while unimpeached, uncontradicted, setting forth facts, too, singularly coincident with those which marked the conduct of Lieutenant Robson, who has been punished, I should have felt myself unfaithful if I weakened the claim by affecting to doubt, without any reason, the solemn evidence on which it reposed. Your lordship is just enough to admit, in reference to a part of the grievance to which my "offensive expressions" apply, that, if true, it was "inexcusable." I have said that to adopt the whole as true, for the origination of the demand, was imperative upon me.

But this is to act upon *ex parte* proof! Certainly, my lord, that is so. It is so, I conceive, from both necessity and fairness; from necessity, because as yet nothing but *ex parte* proof exists; from fair-

ness, because it is due to the officer implicated and to her Majesty's government that they should be apprised at the very outset of the simple or aggravated form really given by the claimant to his grievance. The principle may, at the first blush, seem distasteful, but reflection vindicates it; and, as the wisest and fairest rule of proceeding in adjusting controversies of every sort, it has very long been embalmed in the practice of a people whose administration of justice, criminal or civil, is the special pride and ornament of their social system. That both sides must be heard is an instinct of right, but they cannot be heard simultaneously. One must precede the other, and he to whom is logically awarded the affirmative or opening should fulfil its obligations by unfolding his complaint, even with its possible exaggerations, unreservedly.

Your lordship specifies two "offensive expressions," the one being "the customary artful and intimidating hints," the other "cupidity and arrogance."

To the first a construction is given that it "infers that to make a proposal to sink flag and papers is the usual course pursued by her Majesty's captains who board suspected vessels."

Your lordship will pardon me for saying that this breadth of inference does not obtain my assent. The sense of words is best established by the context in which they are placed, and on the present occasion that context had no sweeping and indiscriminate reference to "her Majesty's captains who board suspected vessels," though it certainly had to, happily, a much more limited class, namely, that class of reckless officers who, even by the judgment of their own government, had been pronounced capable of pursuing a line of conduct like the one described. For what was the case of the "Caroline?" A case in which no suspicion existed or was in the remotest manner warranted; a case in which the officer, by arresting, boarding, demanding papers, and breaking open hatches, flagrantly violated his own instructions, which expressly prohibited visit or search, "unless from positive information or from strong grounds of suspicion there may be reason to believe that such flag has been fradulently assumed, in which cases the utmost caution and circumspection must be used;" a case in which the genuineness of the American flag was incontestible and not contested; a case in which every document to verify national character existed; in fine, a case so entirely without excuse that the vessel could not be, and was not, proceeded against. These are the features of the transaction, as described by the only witness whose testimony we possess. Officers who proceed in this manner incur heavy responsibilities, as well to their own government as to those upon whose rights they have trespassed. To say of such officers that it is customary or usual to make, as was done in this case of the "Caroline," a proposal to sink flag and papers seems hardly open to objection. Your lordship may possibly remember that this alleged stratagem of alarming by the terrors of American law has made its appearance in instances heretofore submitted to her Majesty's government.

Your lordship adverts also to the phrase characterizing certain language used by the officer in his letter, at the moment of surrendering the vessel, as "language which could only have been suggested by

sness of baffled cupidity and arrogance." These words are
y of unusual emphasis, but are they unjust? Your lordship
hat if the letter be genuine, its language is "*inexcusable.*"
ıecessary to introduce here that entire letter, a letter addressed
rson clothed with power to the humble, helpless, yet honest
nan of mine, whose rights and remonstrances he had disre-
a letter written, too, as the prize illegally captured left his
That letter is before you, my lord, and if it be not a forgery,
ot, must it not, convey to every generous and discerning mind
thought I have embodied?
are the conclusions in which a critical review of my "offen-
›ressions" terminates. A high sense of what is due to the
osition and interests confided to me by my government, has,
›ond time, held under firm subjection a sentiment awakened
lordship's language. But, while deeming it of the utmost
ıce that the equal representatives of "two powerful states"
ɛeep steadily in view "concord" and "civilization," no one
etter aware than yourself, my lord, that the respect necessary
n order to be permanent, must be mutual and sincere.
ɛctedly apologizing for the length to which these remarks
tended, and renewing the assurance of my highest considera-

the honor to be your lordship's most obedient servant,

G. M. DALLAS.

Mr. Cass to Mr. Dallas.

DEPARTMENT OF STATE,
Washington, September 17, 1858.

To time having been lost by me in communicating to Messrs.
Cobb, of Boston, a copy of that part of your despatch No.
he 27th ultimo, which suggests the expediency of their fur-
you with certain papers in support of their claim upon the
›overnment in the case of the brig "Caroline," I now trans-
›u a copy of their reply of the 15th instant, with the docu-
hich accompany it.
ı, sir, respectfully, your obedient servant,

LEWIS CASS.

E M. DALLAS, Esq., *&c., &c., &c.*

Messrs. Ellis & Cobb to Mr. Cass.

BOSTON, *September* 15, 1858.

SIR: We have to acknowledge due receipt of your favor of
ı instant, covering extracts from your letter of the United
inister at London, and take due notice of his suggestion con-

cerning our furnishing documents and details to show amoun loss caused by the seizure of the brig "Caroline," by her M steamer "Alecto."

We beg, herewith, to hand you a statement of Mr. Tufts, tra of the register, clearance, crew lists, and shipping articles, al ments showing our loss by the seizure.

The former, we trust, will afford abundant proof that the estimate of the probable result of the voyage, had the "Ca proceeded without interruption, is fairly made, and that ou loss by the unwarrantable interference of the "Alecto" is than shown, say, $18,820.

In our market the advance in price of African hides was ni per hide, from 24 cents to 33 cents, during the five months of the "Caroline;" this rate of hides upon 13,600 hides am about $12,700. Anticipating an advance in this article, we in Mr. Tufts, at the time he left, to obtain, if possible, a full hides, and subsequently advised him at Matacony more urg the same effect. But in consequence of his detention by the " he failed to get our advices until after he had fully completed gotiations at Sierra Leone. Mr. Tufts was compelled at Sier to take nuts, ivory, &c., in payment for more than half his cargo, and our statements will show that on some of these we were obliged to suffer serious loss, taking away the large the handsome profits realized upon the hides.

Thus you will see that notwithstanding our calculations rectly made, our instructions judiciously given, and the u favorable state of the market, both for purchasing at Mata selling here, we have been, by the unjustifiable interferen "Alecto," entirely deprived of the profits which this voya "Caroline" would have yielded, had she been allowed to p her destination unmolested.

We place the accompanying statements and proofs in yo trusting that you will urge the matter forward to a spee ment, and place us in funds for the serious loss which we tained, with as little delay as possible.

We are, very respectfully, your most obedient servants,

ELLIS &

Hon. LEWIS CASS, *Washington.*

[The enclosures referred to sent to legation at London.]

Mr. Savage to Mr. Appleton.

No. 34.] CONSULATE GENERAL OF THE UNITED STAT
Havana, September 20

SIR: I had the honor to receive last night your despatch instant with its enclosure, answer to which will be forwarde steamer leaving this port for Charleston or New York.

I now hasten to lay before you copies of affidavits taken fi

eamen, showing that the ship Haidee, of New York, of about 400 ons burden, sailed from New York in January last, for Cadiz and ibraltar, at which port she fitted out for the slave trade, and that he actually brought a cargo of African negroes to Cuba, after which he had gone to Yucatan or Curaçao.

I also accompany copies of my letters to United States district attorneys at New York and Boston. That to the attorney in New York gives my reasons for sending the witnesses to Boston; I have had to allow the master of the schooner "L. C. Watts," conveying them, $25 for the passage of each one, as the vessel had no accommodations for seamen in the forecastle, other than her regular crew, and this consists entirely of negroes—thus requiring that the witnesses should go in the cabin. I have also had to pay $25 50 due here for board by Clark, and $8 50 due by the other two—besides boat hire and other expenses.

By the Spanish steamer "Pajaro del Oceano," to sail on the 22d for St. Thomas, and the British steam packet on the 23d or 24th for Mexico, I will address circular to our consuls at Sisal and Campeche, (Yucatan,) and St. Thomas, and Curaçao, in order to have the Haide seized and sent to New York, provided my advices reach in time.

The cases of the Nancy, C. Perkins and Lyra, still pending before the court. The cargo of the Nancy, or at least the provisions, are now being returned to Guerediaga by inventory, he having given security for the full value of the goods.

I have the honor to be, sir, very respectfully, your obedient servant,

THOS. SAVAGE,
Vice-Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State of the United States, Washington.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America for the Island of Cuba, residing at Havana, personally appeared Manuel Felipe, who, being by me sworn according to law, solemnly declared and deposed as follows:

I shipped in February last, in this port of Havana, upon the American bark Governor Parris, under the name of Manuel Gomez. At the time of shipment I understood we were going to Charleston, and from thence to China; I had no reason to believe the contrary when we sailed out of the port. When we reached the latitude and longitude of Charleston, I discovered the bark was not going there, some dispute had occurred between the captain and second mate; the captain said something about going into Charleston, when the second mate and others, amongst them a Spanish captain, told our captain that he could not go into Charleston; so the bark was taken to Africa. When she reached the land, *after* a passage of ninety-three days

from Havana, a Spaniard, who had gone in the ship, went on shore, taking with him money to buy negroes—it was at a place a few miles to leeward of Loango—afterwards we put to sea again and remained out about one month. Upon returning, the same day we expected to make the land again, a British brig, whose name sounded to me like *Heron*, came and captured our vessel. I did not see any papers exhibited by our captain to the British officers. American colors were flying at the peak for a little while, but our captain ordered the flag to be taken down and gave up the vessel without opposition. The bark, with the captain, mate and cook, were sent to St. Helena. Myself, and all the other persons on board, were put on shore in Loango—I remained in Loango eight days—from there, myself, Edwin Boston, the Spanish captain, the second mate of the Governor Parris, and another man, who subsequently died at sea, proceeded in a launch to a place called Chilunga; we were two days going down; on arrival at Chilunga, I went ashore and met a person named Antonio Viera, who asked me if I was going in the ship Haidee, of New York, which was there at anchor with kedge anchor and hawser. I did not know what to do, but he persuaded me to go on board. I went on board in a launch full of negroes. Edwin Boston went in a steamboat before I did. We arrived at Chilunga during the night, and the next morning the negroes were put on board the ship; there were upwards of 1,100 negroes put on board—by 10 o'clock a. m. they were all on board. Same day cut the hawser and went to sea. The passage from there to Cuba occupied fifty-one days, or thereabouts. The mortality on board was upwards of 200 negroes—also one man that had gone from Havana in the Governor Parris died. Our second mate of the Governor Parris from Havana remained at Chilunga. Came to an anchor between Cayo Piedras and Cayo Blanco, entrance of the bay of Cardenas, and sent on shore to a place called "Almacen de Machado"—the negroes, 903, were landed—also two persons that had come on board there to pay the crew, Mr. Botella, the Portuguese captain, Thomas, the supercargo, Antonio Viera, and the American captain, Whitney. Captain Whitney cleared the Haidee in Cadiz, as I understood, to go to the Western Islands for passengers for Rio Janeiro; about twenty days before reaching the coast of Africa, it appears that he discovered from Botella, from the supercargo and the Portuguese captain, that the vessel was not intended to go to the Western Islands, but to Africa for negroes; he refused to go there, when a quarrel ensued; he threw his quadrant overboard, and gave up the command to the mate; since which time he had nothing to do with the vessel; this, I was informed, and I know of my own knowledge that he had no control of the ship which I was on board. The Portuguese captain commanded her from Africa to Cuba, and took the chronometer from Captain Whitney, who was treated with great disrespect by the others, so much so, that he once had to go to the galley and roast a piece of chicken for himself. After the negroes were landed the ship went off to sea. On the passage out I understood she would go to Campeche, but after the negroes were landed, I heard that she would go to Curaçao; she left in charge of her chief mate and her original crew, every one of whom received six ounces

to take the vessel to the port she was ordered—this, besides $800 paid to each man for their services in bringing the negroes. On the passage they painted on her stern "Eliza" or "Louisa," of New Orleans.

MANUEL PHILLIP.

In testimony whereof I hereunto set my hand and affix the seal of my office at Havana, this eighteenth day of September, A. D. 1858. [L. S.]

THOMAS SAVAGE,
United States Vice-Consul General.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America for the Island of Cuba, residing at Havana, personally came and appeared an individual who gave his name to be *Abreo Clark*, and desired me to take his affidavit upon an important matter relating to the slave trade under American colors; said person being therefore first sworn upon the Holy Evangelists of Almighty God to tell the truth, the whole truth, and nothing but the truth, doth depose and say as follows:

My name is Abreo Clark; I was born in Lisbon, Portugal; I am now about 35 years of age, and have lived in the United States since I was aged about 15; I am a sailor; I have generally sailed in American vessels; I shipped in New York about the middle part of December, 1857, on the ship Hydee, (or a name so sounding, I cannot spell it, as I do not know how to read or write,) of New York, to proceed from New York to Gibraltar and a market, and to return to a port of the United States; the commander's name was Whitney. This Whitney, together with one of the owners named Botella, are now in Havana. I have not seen the captain, but I saw Botella yesterday, and he spoke to me, desiring me to call on him next week. We sailed from New York on the 7th day of January, 1858; went to Cadiz first; we had several passengers on board, amongst them Mr. Botella, his wife, three children, and two servant girls; all the passengers were landed in Cadiz; landed also about 1,000 barrels of flour; thence proceeded to Gibraltar, and discharged there the balance of her cargo. Mr. Botella landed in Cadiz; from there went in a steamboat to Gibraltar. The ship returned from Gibraltar, where she had taken in a large quantity of rice and other provisions, to Cadiz, and there took in a large quantity of water, upwards of 200 casks, ballast and more provisions; also, some lumber and bricks and a barrel of lime. When I saw this cargo put on board I spoke to Botella, who had returned from Gibraltar, and demanded pay for my trouble. I remarked to him whether he thought that we were going on such a voyage for $12 per month. He answered that the ship was going to the Western Islands, to St. Michaels, to get passengers for Rio Janeiro. I still

objected; when he made out a case against me accusing me of muti and had me put in jail. I was kept in jail eight days, when Capt. Whitney took me out and conveyed me to the American consul's offi where I was discharged; the same evening the ship sailed. I w then quite certain that she was going to Africa for slaves, for I ha information that Mr. Botella had sent men to the coast of Afric about four months before to engage and have the negroes prepared. The day I was discharged at the consulate I saw Mr. Botella and Captain Whitney coming to the ship chandler's; they had in company a Portuguese captain, named Thomas, whom I had known and seen several times in New York and other places. I knew him as a slaver captain. He went in the ship to Africa. I spoke to Botella, but he answered he had nothing to do with me, so I was left in Cadiz without means, and had it not been for the protection of the American consul I should have been in great distress. In Cadiz I embarked on a Rockland vessel, laden with salt, (name I cannot remember,) for Boston. On arrival in Boston I went to New York, and from thence came to New Orleans; from New Orleans I came to Havana, and determined to await here the return of the Hydee and report her doings to the proper authority of the United States. The information I had about the ship has been confirmed; she has returned from Africa and landed a cargo of slaves, upwards of 900, in Cayo Blanco, between Cardenas and Sagua la Grande, on the north coast of Cuba, about eight days ago. I have seen a number of passengers that came in the ship from Africa; they are now in Havana, and I am inclined to believe that most of them will testify if called upon. I have learned from them that the ship took on board, in Africa, between 1,100 and 1,200 slaves, and landed upwards of 900, the rest died on the passage—most of them of starvation; and that Botella, Captain Whitney, and the Portuguese captain, Thomas, are in Havana; that the ship with her crew proceeded to Curaçao in charge of the chief mate, whose name I cannot remember; that the person who went as second mate from New York, whose name, also, I have forgotten, continued in the ship as chief mate; that Mr. Botella allowed to each man of the crew six ounces to take the ship to Curaçao; and some of the men believe that she will be again fitted out for another voyage to Africa. The ship sailed from Cadiz under American colors, and I have no doubt that she is gone to Curaçao under the same colors. I will endeavor t bring before the consul the men who have given me the above information. This is all I know of the matter, partly of my own knowled and the rest that I believe to be true and correct.

his
ABREO + CLARK.
mark.

Witness to his mark—

In testimony whereof I hereunto set my hand and affix the seal my office at Havana, this 17th day of September, A. D. 185

[L. S.]

THOS. SAVAGE.

ɜULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

day of the date hereof, before me, Thomas Savage, vice-con-
al of the United States of America for the island of Cuba,
ıt Havana, personally appeared Edwin Boston, who being by
to tell the truth, the whole truth, and nothing but the truth,
are and depose, as follows:
ı American seaman and shipped in Havana upon the Ame-
k "Governor Parris" in February, in the understanding
ere going from Havana to Charleston, and thence to China
ɜ. Instead of going to Charleston, the captain took us to
On the passage everything indicated that she was going for
On the third day of July, we were about four degrees to the
d of the line, longitude between 8 and 9, as near as I could
ut, E.; there a British brig of war visited us and captured
Before this we had made the land on the coast of Africa
ɛd the owner, and put to sea again; and, when on our return
ıst, fell in with the brig that captured us; the brig was called
ɜ. The captain, mate, and cook were sent to St. Helena,
lf with the rest of the crew were landed in Loango. I saw
in of the Governor Parris destroy her papers; this was about
lays before the capture. There being no vessel at Loango
ıome, I took passage in a launch from there to a place about
: miles to leeward of Loango; two others of the Governor
crew went with me; one named Manuel Phillip, and the
ate. On the evening we arrived at the place the ship Haidee,
'ork, was at anchor; the next morning negroes were put on
her; betwixt 1,100 and 1,200 in number; the ship gave me
wo shipmates a passage; we expected to come to Cuba ,from
e of her cargo; the negroes were all put on board of her in
e hour and a half, and she then put to sea; this was about
le of July; we had been at sea many days, when the ship had
n her stern, "Eliza, of New Orleans;" the mortality among
ɛes, before we made the land of Cuba, was about 240, and there
any more d ed after we got ashore; we landed between nine
hundred negroes to the northward and eastward of Cayo
:here was a Portuguese captain that had command of the ship
ica to Cuba, his name was Thomas. There was also an Amer-
ain on board, who seemed to having nothing to say on the
his name is Whitney. The owner of the ship, named Botella,
on board; there was also a Portuguese supercargo, named
ıll these persons, as well as myself and the other passengers,
hip and went ashore when the negroes were landed; also the
ı captain, Whitney. The chief mate of the ship then took
: her, as master, to carry her to the island of Curaçoa.

EDWIN BOSTON.

imony whereof I hereunto set my hand and affix the seal of
:, at Havana, this 17th day of September, 1858.

THOMAS SAVAGE. [L. S.]

No. 2.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, September 19, 1858.

SIR: I had the honor to receive in due time your official letter o the 15th ultimo, relative to the witnesses sent by me for the case o the brig C. Perkins. The trial of this vessel is still going on befor the superior court of this island, and I am not able to say when it will terminate. Please bear in mind that the witness, Antonio Martinez, was one of the crew of the schooner *Niagara*, which sailed from this port with a sea-letter permitting her to proceed *direct* to a port of the United States, instead of which she went to Africa. The person who commanded her, John W. Disney, is now here in command of the schooner Enterprise, of Brunswick, Georgia. I have reason to believe that she has been sold here to a Portuguese, and that she is being repaired for the purpose of fitting out for the slave trade. I have notified the State Department of my intention not to let her go to sea under American colors; and, in the event that she should actually intend to go on a slaving voyage, I may, if I have the chance, seize and sent her to the United States; provided I should obtain sufficient evidence to secure conviction.

I now send you by way of Boston three witnesses, named Abreo Clark, Edwin Boston, and Manuel Phillip, who will testify to the fact that the ship "Haidee," of New York, which left your port on or about the 7th of January of this year, for Cadiz and Gibraltar, fitted out at those ports for the slave trade; that she actually went to Africa and brought a cargo of slaves to Cuba; after which she proceeded either to Yucatan or Curaçoa. Her American captain, her owner, Botella, and several others concerned in her are now in Havana. I have addressed a circular letter to American consular officers at Sisal and Campeche, (Yucatan,) and at Curaçoa, which will go in a few days per steamer, with the object of having the Haidee and her officers and crew arrested that they shall be sent to New York for trial. I accompany herewith copies of the affidavits given me by the witnesses freely and voluntarily; they go on the same way by the American schooner *L. C. Watts*, which expects to sail to-morrow morning for Boston. I write to the United States district attorney there to send them to you. So much influence has been attempted by the heads of the expedition to keep these men from disclosing the facts, even to the extent of threatening to murder them, that, to secure their evidence, I have deemed it necessary to send them to the United States by the first vessel going, though I should, of course, have preferred to send them direct to New York. The man Abreo Clark has been on other occasions useful to the United States authorities in detecting crimes of this nature. I believe his services were important in the case of the Grey Eagle, at Philadelphia. It was he who first informed me that the ship which landed the cargo at Cayo Blanco was American; she had been reported here as Spanish; and by his exertions I obtained the testimony of the other two witnesses. In my opinion, he is entitled to some reward. All these witnesses go, of course, with the understanding and my a

surance that no harm shall befall them in placing themselves in the hands of the United States authorities.

I will write to the Department of State by the first opportunity, and accompany a copy of this communication.

I am, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
U. S. Vice-Consul General.

Hon. THEODORE SEDGWICK,
U. S. Attorney for the southern district of New York.

No. 3.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, September 19, 1858.

SIR: By the schooner L. C. Watts, which expects to sail from this port for Boston to-morrow morning, I send three seamen, named respectively, Abreo Clark, Edwin Boston, and Manuel Phillip, whom I respectfully request of you to take charge of, and send with the proper precautions to the United States district attorney for the southern district of New York. These persons go as witnesses to the fact that the ship Haidee, of New York, which sailed from New York in January last for Cadiz and Gibraltar, fitted out at those ports for Africa, and that she actually brought to and landed upon this island a cargo of slaves. After which she proceeded, as such American vessel, to Yucatan or Curaçoa. I have sent letters to our consuls at Sisal, Campeche, and Curacoa, in order to have the vessel and crew seized wherever found and secured for trial in New York. At any rate, a prosecution may be instituted against the parties who gave the bonds for the Haidee's register.

There was no vessel going immediately direct to New York, and, as the parties concerned in the expedition (now here) have been exerting themselves to prevent my obtaining the evidence, even to the extent of threatening to murder these witnesses, I have deemed it expedient to send them off per first opportunity.

I will thank you to forward the enclosed package to the district attorney in New York.

I have the honor to be, sir, respectfully, your obedient servant,

THOMAS SAVAGE.
U. S. Vice-Consul General.

CHARLES L. WOODBURY, Esq.,
U. S. Attorney for the District of Massachusetts, Boston.

Mr. Savage to Mr. Appleton.

[Confidential.]

No. 35.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, September 24, 1858.

SIR: In obedience to the instructions contained in your despatch of the 7th instant, I have the honor to enclose herewith the affidavit

called for by the United States legation in London in the matter of the schooner "Cortez." I send it in duplicates, and also two simple copies, one for the department and the other to go with the original to the legation in London.

Notwithstanding the contents of the affidavit, I must add that I always entertained the belief that the "Cortez" had been sold here previous to her departure, and that she actually sailed upon a voyage for slaves. My belief has been confirmed by information recently obtained. The following are the facts; and though it may not be possible to produce *evidence* to substantiate them, they are no less entitled to credence:

On the 24th of January last, (during my absence in the United States,) the schooner "General Scott," one of the vessels mentioned in the list of slavers I sent you with a former despatch, belonging to New York, and of $140\frac{9}{95}$ tons, arrived here from that port, under the command of her sole apparent owner, Adam A. Smalley. On the 18th of February, (per entry in ship's daily journal,) Captain Smalley executed a power of attorney in favor, as I presume, of his mate, A. T. Kenney—the record does not give the name—and gave up the command. There was no other alteration in the ship's company that I can find in the books of the office. I am assured that the "General Scott" was sold to a company of slavers here, and, although she cleared under a charter-party, on the 6th of February, (before my return to Havana,) for St. Thomas, she proceeded to Africa to engage in the slave trade. I am also informed, from undoubted sources, that Captain Smalley, previous to leaving for the United States, entered into an engagement with Spanish slavers in this city to bring them a proper vessel, and in pursuance thereof he brought out the "Cortez." This schooner he sold privately to the parties to whom he brought her. He received the value of the vessel, $10,500, of which he took nine or ten thousand dollars to a commercial house of this city, well known to me, to be remitted to him in New York, which was done. I have also learned that Flores, one of the signers of the protest made on account of the Cortez's capture by the British gun-boat Forward, was some time ago expelled from Brazil for a notorious slave trader. The person whose handwriting is on the schooner's charter-party, (Don Antonio Cabarga,) brought the parties to the office, and was very officious, even to paying the fees of protest and copy, saying he was making the payment for account of the protestants.

That the "Cortez" left the port of Havana as an American vessel is undeniable, but I am convinced she was not entitled to the papers nor flag she used.

Reverting to the list of slavers sent with my despatch No. 30, I beg leave to add the following facts that have since reached me:

Bark "Governor Parris," captured on the coast of Africa, without papers, by British war-brig "Heron."

Schooner "Lydia Gibbs," captured 29th May, 1858.

Bark "Almeida," captured by her Majesty's ship "Conflict," on the 26th April, 1858.

Brig "Huntress," seized at Key West; an old affair.

Bark "J. W. Reid," of 350 tons, sailed 19th July, 1858, from St. Iago de Cuba; is said to have gone to Africa.

Of the brig "Mary Elizabeth," John Henry, master, the report gains ground here that she was taken on the coast of Africa.

The brig "Nancy's" case is still pending. Her captain declines giving bonds.

The "C. Perkins" is also pending. I addressed the captain general a letter on the 18th instant, but he begged me to take it back, and offer to apply the money to some other purpose, when I acceded to his request, and sent him another on the 22d. I accompany copies of these two letters, as well as the general's reply.

I enclose the copies of affidavits, relative to the Haidee, promised in my despatch, No. 34; circulars have been sent to consuls at Sisal, Campeche, Laguna de Términos, St. Thomas, and Curaçao.

I beg leave likewise to call your attention to a copy of affidavit by the cook of the brig Nancy. Will you believe that A. Cabarga was employed to act as interpreter in taking the last examination of the crew before one of the clerks in the office of the notary in the Nancy's case? I saw him acting as such in the examination of the mate, Louis Teozo. The affair was a complete farce. At a future day I will give you in a confidential form some facts in connexion with the real audiencia or superior court of Cuba.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State, Washington.

H. B. M's CONSULATE GENERAL IN CUBA.

On the day of the date hereof, before the undersigned, personally appeared Thomas Savage, United States vice-consul general in Cuba, and declared on oath that this package contains a declaration under his signature and the seal of the consulate general of the United States for Cuba, and that the facts set forth in the said declaration are true and correct.

THOS. SAVAGE.

In witness whereof I hereto set my hand and official seal, at Havana, this 24th day of September, 1858.

[SEAL.]

JOS. T. CRAWFORD,
Consul General in Cuba.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

I, Thomas Savage, vice-consul general of the United States of America for the Island of Cuba, residing at Havana, do solemnly and truly swear and depose as follows:

I was *deputy-consul general of the* United States of America, residing

at Havana, in the months of March and April of the current year, 1858, Andrew K. Blythe, esq., the consul general being then in Havana and performing his duties as such consul general. On the nineteenth (19th) day of March an American schooner named "Cortez," of New York, arrived in the port of Havana, and on the following day, (20th,) her commander, Adam A. Smalley, deposited in the office of this consulate general the schooner's register and other papers. The register certified that the schooner was wholly owned by said Adam A. Smalley; that she was built in 1852, at Baltimore, in the State of Maryland, and of $176\frac{1}{95}$ tons burden; said vessel (according to her clearance documents) came from New York laden with an assorted cargo; and having experienced rough and tempestuous weather on the passage, and sustained damage in her cargo, said master noted and extended protest in this office. The ship's company consisted (as per shipping papers) of the master aforenamed, the mate, James M. Durand, no second mate, and six men, making *eight persons all told.* On the twenty-seventh (27th) of March, said A. A. Smalley acknowledged before Mr. Consul General Blythe the execution by him of a letter of attorney in favor of said James M. Durand, authorizing him, said Durand, to sell the schooner "Cortez" aforesaid, or, if this could not be effected, to charter her and generally to attend to her affairs. After this said James M. Durand took command as master of the "Cortez," and the usual consular certificate was attached to the schooner's register. Subsequently the owner and former master (Smalley) left Havana for the United States. On the thirteenth of April William Archbold and Antonio Francisco were shipped upon the schooner in this office, the first named as mate and the other as seaman, and the requisite certificates, bearing my own signature, as deputy-consul general, and the seal of this consulate general, were attached to the "Cortez'" crew list and shipping articles. On the same day, viz: 13th of April, Captain Durand called at this office for his clearance, which was given him under my own signature as deputy-consul general and the official seal; he produced his custom-house despatch for Annobon, laden with 80 pipes and 60 barrels of rum, 40 bags of rice, 30 barrels of beans, 20 barrels of Spanish peas, (garbanzos,) 20 barrels of flour, and 15 barrels of bread. The consulate had information that the schooner "Cortez," of New York, had been chartered for a lawful voyage, and, not having evidence to the contrary, or that she had ceased to be American property, despatched her as a regularly documented American vessel, and her papers, to wit: register, crew list, shipping articles, certificate of return of papers to master, and receipt for fees paid, (the last mentioned two documents having my signature,) were delivered to James M. Durand, her commander.

The facts above stated are of my own knowledge.

In witness whereof I hereto set my hand and official seal, at Havana, this twenty-third day of September, A. D. 1858.

THOMAS SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, September 18, 1858.

MOST EXCELLENT SIR: In my official letter to your excellency of the h July last, relative to the brig C. Perkins, charged with being ted out for the slave trade, I advised you of the arrangements I had ade to put the brig afloat, and that, as a balance would remain out the $1,000 placed in my hands by one of the parties concerned in e vessel to induce me to let her leave this port, I requested your sposition thereof.

Although the contract entered into with Mr. Charles Tyng for ising and pumping the sunken brig was for $500, it was afterwards emed just by the captain of the port and myself to allow Mr. Tyng 80, which were paid him. Subsequently I had to pay $23 for itching and pumping the brig previous to the discharge of her rgo, for which payments I have the requisite vouchers. Thus the lance remaining in my hands amounts to ($297) two hundred and nety-seven dollars.

I have been induced to make, now, these observations by a notice the real audiencia that has appeared in the Official Gazette, and hich you will find hereto annexed.

The vessel requires cleansing and repairing, that she may be in a oper condition to await the result of her trial before the real idiencia.

I beg leave again to place the balance in question at your excelncy's disposal. I believe you will concur with me in the opinion at this sum of $297 should be applied to the payment of expenses at must be incurred for the C. Perkins; this vessel having undoubtlly been brought to her present condition by the very parties conrned in her, and who placed the $1,000 note of the Banco Español i my possession.

I beg of your excellency to inform me to whom I am to pay the alance above mentioned; and have the honor to be, very respectally, your obedient servant,

THOMAS SAVAGE,
In charge of the Consulate General.

His Excellency SOR. DON JOSÉ DE LA CONCHA,
Governor, Captain General of the Island of Cuba, &c.

[Confidential.]

CONSULATE GENERAL OF THE UNITED STATES,
Havana, September 22, 1858.

MOST EXCELLENT SIR: In my official letter to your excellency of the 8th of July last, relative to the brig C. Perkins, I advised of the arrangements I had made to put the brig afloat, and that, as a balance would remain out of the $1,000 placed in my hand by one of the parties concerned in the vessel to induce me to let her leave this port, I requested your disposition thereof.

Although the contract entered into with Mr. Charles Tyng for raising and pumping the sunken brig was for $500, it was afterwards deemed just by the captain of the port and myself to allow Mr. Tyng $680, which were paid him. I had further to pay $23, for watching and pumping the brig previous to the discharge of her cargo; for which payments I have the requisite vouchers. Thus, the balance remaining in my hands amounts to ($297) two hundred and ninety-seven dollars.

I hope your excellency will excuse my troubling you again with the matter of this balance, and beg leave to place the same in your hands, accompanied with the suggestion that it could not, in my opinion, be applied to better purposes than to those of the Ladies' Benevolent Association of Havana, (Sociedad de Beneficiencia Domiciliaria.) I trust that your excellency will concur with me in this opinion, and will inform me to whom I am to deliver the two hundred and ninety-seven dollars.

With great respect, your excellency's obedient servant,

THOS. SAVAGE,
In charge of the Consulate General.

His Excellency SENOR DON JOSÉ DE LA CONCHA,
Governor, Captain General of the Island of Cuba, &c.

[Translation.]

By your communication of yesterday I am informed that, in order to put afloat the brig Perkins, and conformably to a contract passed before the captain of this port, you have employed $703 of the thousand referred to in your communication dated 8th of July, and that you wish to give the remaining $297 to the Ladies' Benevolence Society of this city.

I fully concur with you in the idea that no better use could be made of this money; and if you would please to put it into the hands of the treasuress, the Countess de Romero, you may rely upon the gratitude of the poor whose wants are supplied by the Benevolence Association of this city, to the lady president whereof I have this day given timely notice.

God preserve you many years.

SEPTEMBER 23, 1858.

JOSÉ DE LA CONCHA.

THOS. SAVAGE, Esq.,
Chargé of the Consulate General of the United States.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America, residing at Havana,

rsonally came and appeared an individual who gave his name to be breo Clark, and desired me to take his affidavit upon an important atter relating to the slave trade under American colors. Said per-n being therefore sworn upon the Evangelist of Almighty God to ll the truth, the whole truth, and nothing but the truth, doth pose and say as follows:

My name is Abreo Clark; I was born in Lisbon, Portugal; I am w about thirty-five years of age, and have lived in the United States ce I was aged about fifteen. I am a sailor. I have generally sailed American vessels. I shipped in New York about the middle part December, 1857, on the ship "Hydee," (or a name so sounding; I nnot spell it, as I do not know how to read or write;) of New York, proceed from New York to Gibraltar and a market and to return to port of the United States. The commander's name was Whitney. his Whitney, together with one of the owners, named Botella, are w in Habana. I have not seen the captain, but I saw Botella yes-rday, and he spoke to me, desiring me to call on him next week. 'e sailed from New York on the 7th day of January, 1858; went to diz first; we had several passengers on board, amongst them Mr. otella, his wife, three children, and two servant girls. All the pas-ngers were landed in Cadiz; landed also about one thousand barrels flour. Thence proceeded to Gibraltar and discharged there the lance of the cargo. Mr Botella landed in Cadiz; from there went a steamboat to Gibraltar. The ship returned from Gibraltar, where e had taken in a large quantity of rice and other provisions, to Cadiz, d there took in a large quantity of water—upwards of two hundred sks—ballast, and provisions; also some lumber, bricks, and a barrel lime. When I saw this cargo put on board, I spoke to Botella, ho had returned from Gibraltar, and demanded pay for my trouble. remarked to him whether he thought we were going on such a yage for twelve dollars per month. He answered that the ship was ing to the Western Islands, to St. Michaels, to get passengers for o Janeiro. I still objected, when he made out a case against me, cusing me of mutiny, and had me put in jail. I was kept in jail ght days, when Captain Whitney took me out and conveyed me to e American consul's office, when I was discharged. The same ening the ship sailed. I was then quite certain that she was going Africa for slaves, for I had information that Mr. Botella had sent n to the coast of Africa about four months before to engage and ve the negroes prepared. The day I was discharged at the consu-e I saw Mr. Botella and Captain Whitney coming to the ship handler's. They had in company a Portuguese captain, named omas, whom I had known and seen several times in New York and ner places. I knew him as a slaver captain. He went in the ship Africa. I spoke to Botella, but he answered that he had nothing do with me. So I was left in Cadiz without means; and had it not en for the protection of the American consul, I would have been in eat distress in Cadiz. I embarked on board of a Rockland vessel, laden ith salt, (name I cannot remember,) for Boston. On arrival in Boston went to New York, and from thence went to New Orleans. From New Orleans I came to Habana, and determined to await the return of the

"Hydee," and report her doings to the proper authority of the United States. The information I had about the ship has been confirmed. She has returned from Africa, and landed a cargo of slaves—upwards of nine hundred—in Cayo Blanco, between Cardenas and Sagua la Grande, on the north coast of Cuba, about eight days ago. I have seen a number of passengers that came in the ship from Africa. They are now in Habana, and I am inclined to think that most of them will testify if called upon. I have learned from them that the ship took on board in Africa between eleven and twelve hundred, and landed upwards of nine hundred—the rest died on the passage, most of them of starvation—and that Botella, Captain Whitney, and the Portuguese captain, Thomas, are in Habana; that the ship, with her crew, proceeded to Curaçao, in charge of her chief mate, whose name I cannot remember; that the person who went as second mate from New York, whose name also I have forgotten, continued in the ship as chief mate; that Mr. Botella allowed to each man of the crew six ounces to take the ship to Curaçao; and some of the men believe that she will be again fitted out for another voyage to Africa. The ship sailed from Cadiz under American colors, and I have no doubt that she has gone to Curaçao under the same colors. I will endeavor to bring before the consul the men who have given me the above information. This is all I know of the matter, partly of my own knowledge and the rest that I believe to be true and correct.

his
ABREO × CLARK.
mark.

Witness to his mark—
HEMMARSTEN.

In testimony whereof I hereunto set my hand and affix the seal of my office, at Havana, this 17th day of September, anno Domini 1858.
[L. S.]

THOS. SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-consul general of the United States of America for the island of Cuba, residing at Havana, personally appeared Edwin Boston, who, being by me sworn to tell the truth, the whole truth, and nothing but the truth, doth declare and depose as follows:

I am an American seaman, and shipped in Havana upon the American bark Governor Parris, in February, in the understanding that we were going from Havana to Charleston, and thence to China, for coolies. Instead of going to Charleston, the captain took us to Africa. On the passage everything indicated that she was going for slaves. On the 3d day of July we were about four degrees to the southward of the line, longitude between eight and nine, as near as I could make it out, east; there a British brig-of-war visited us and captured the bark.

efore this we had made the land on the coast of Africa, and landed he owner, and put to sea again, and, when on our return to the coast, ll in with the brig that captured us; the brig was called the Heron. he captain, mate, and cook were sent to St. Helena, and myself, ith the rest of the crew, were landed in Loango. I saw the captain the Governor Parris destroy her papers; this was about fourteen ys before the capture. There being no vessel at Loango to come me, I took passage in a launch from there to a place situated about irty-six miles to the leeward of Loango. Two others of the Governor rris's crew went with me, one named Manuel Phillip, and the second ate; on the evening we arrived at the place the ship Haydee, New York, was at anchor. The next morning negroes were t on board of her—between 1,100 and 1,200 in number. The ip gave me and my two shipmates a passage. We expected to come Cuba, from the nature of her cargo. The negroes were all put on ard of her in about one hour and a half, and she then put to sea; is was about the middle of July. We had been at sea many days, ien the ship had painted on her stern "Eliza, of New Orleans." ie mortality among the negroes before we made the land of Cuba s about 240, and then a good many more died after we got ashore. e landed between 900 and 1,000 negroes to the northward and stward of Cayo Blanco. There was a Portuguese captain that had nmand of the ship from Africa to Cuba; his name was Thomas. iere was also an American captain on board, who seemed to have thing to say on the passage; his name is Whitney. The owner of e ship, named Botella, was also on board. There was also a Portuguese supercargo, named Viera. All these persons, as well as yself and the other passengers, left the ship and went ashore when e negroes were landed; also the American captain, Whitney. The iief mate of the ship then took charge of the ship, as master, to take er to the Island of Curaçao.

EDWIN BOSTON.

In testimony whereof I hereunto set my hand and affix the seal of L. S.] my office, at Havana, this 17th day of September, 1858.

THOMAS SAVAGE.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

On the day of the date hereof, before me, Thomas Savage, vice-onsul general of the United States of America for the Island of Cuba, esiding at Havana, personally appeared Manuel Felipe, who, being y me sworn according to law, solemnly declared and deposed as ollows:

I shipped in February last, in this port of Havana, upon the merican bark Governor Parris, under the name of Manuel Gomez. At the time of shipment I understood we were going to Charleston, nd from thence to China. I had no reason to believe the contrary hen we sailed out of the port. When we reached the latitude and

longitude of Charleston, I discovered the bark was not going there; some dispute had occurred between the captain and second mate. The captain said something about going into Charleston, when the second mate and others, among them a Spanish captain, told our captain that he could not go into Charleston; so the bark was taken to Africa. When she reached the land, after a passage of ninety-three days from Havana, a Spaniard who had gone in the ship went on shore, taking money to buy negroes. It was at a place a few miles to the leeward of Loango; afterwards we put to see again, and remained out about one month. On our return, the same day we expected to make the land again, a British brig, whose name sounded to me like Heron, came and captured our vessel. I did not see any papers exhibited by our captain to the British officers. American colors were flying at the peak for a little while, but our captain ordered the flag to be taken down, and gave up the vessel without opposition. The bark, with the captain, mate, and cook, were sent to St. Helena; myself and all the other persons on board were put on shore in Loango. I remained in Loango eight days. From there, myself, Edwin Boston, the Spanish captain, the second mate of the Governor Parris, another man, who subsequently died at sea, proceeded in a launch to a place called Chilunga. We were two days going down. On arrival at Chilunga, went ashore, and met a person named Antonio Viera, who asked me if I was going in the ship Haidee, of New York, which was then at anchor with the kedge anchor and a hawser. I did not know what to do, but he persuaded me to go on board. I went on board in a launch full of negroes. Edwin Boston went in a small boat before I did. We arrived at Chilunga during the night, and the next morning the negroes were put on board the ship. There were upwards of 1,100 negroes put on board; by 10 o'clock a. m. they were all on board; same day cut the hawser and went to sea. The passage from there to Cuba occupied 51 days, or thereabouts. The mortality on board was upwards of 200 negroes, also one man that had gone from Havana in the Governor Parris died. Our second mate of the Governor Parris, from Havana, remained at Chilunga. Came to an anchor between Cayo Piedras and Cayo Blanco, entrance of the Bay of Cardenas, and sent on shore to a place called Almacen de Machado. The negroes, 903, were landed, also two persons that had come on board there to pay the crew, Mr. Botella, the Portuguese captain, Thomas, the supercargo, Antonio Viera, and the American captain, Whitney. Captain Whitney cleared the Haidee in Cadiz, as I understood, to go to the Western Islands for passengers for Rio Janeiro. About 20 days before reaching the coast of Africa, it appears that he discovered from Botella, the supercargo, and the Portuguese captain, that the vessel was not intended to go to the Western Islands, but to Africa for negroes. He refused to go there, when a quarrel ensued. He threw his quadrant overboard, and gave up the command to the mate; since which time he had nothing to do with the vessel. This I was informed, and I know of my own knowledge that he had no control of the ship while I was on board. The Portuguese captain commanded her from Africa to Cuba, and took the chronometer from *Captain* Whitney, who was treated with great disrespect by the others;

so much so, that he once had to go to the galley and roast a piece of chicken for himself. After the negroes were landed, the ship went off to sea. On the passage out I understood she would go to Campeche; but after the negroes were landed I heard she would go to Curaçao. She left in charge of her chief mate and her original crew, every one of whom received six ounces to take the vessel to the port she was ordered; this, besides $800 paid to each man for their services in bringing the negroes. On the passage they painted another name on her stern—"Eliza," or "Louisa," of New Orleans.

MANUEL PHILLIP.

In testimony whereof I hereunto set my hand and affix the seal of [L. S.] my office, at Havana, this 18th day of September, A. D. 1858.

THOMAS SAVAGE.

Lord Napier to Mr. Cass.

NEW YORK, *September* 29, 1858.

SIR: I am directed by the Earl of Malmesbury to communicate to you the enclosed extract of a despatch, with its enclosures, from her Majesty's consul general at the Havana, relative to the alleged supervision, or "espionage," reported to have been exercised in that port by the boats of her Majesty's ships-of-war.

From the tenor of Mr. Crawford's report to Commodore Kellett, and from the accompanying return of the vessels belonging to the West India squadron, which have visited the Havana during the years 857 and 1858, it is apparent that the statement embodied by the United States consul in his despatch to his government of the 29th of April must have been founded in erroneous information.

According to the report of Mr. Crawford, not only was no such system of inspection practiced, but the visits of her Majesty's cruisers were so rare and so brief that such a system could not have been carried out, even if it had been so intended.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

NAPIER.

NOTE.—For the accompaniments of this note see the second enclosure and its two annexes, subjoined to the despatch from Mr. Dallas to Mr. Cass, No. 123, of the 16th September, 1858.

Mr. Cass to Mr. Dallas.

No. 136.] DEPARTMENT OF STATE,
Washington, October 4, 1858.

SIR: Referring to that part of your No. 111 which relates to the establishment of the existence and authenticity of the American papers

of the schooner Cortez, and to my No. 129 of the 6th ultimo, advising you of the reference that had been made of the matter to the vice-consul general of the United States at Havana, I now transmit to you an extract from a despatch of the 24th of last month, addressed to this department by that officer, with his affidavit touching the existence and authenticity of the papers in question. It would seem from Mr. Savage's communication that although the "Cortez" left the port of Havana as an American vessel she was not entitled to the papers and flag she used; and, consequently, that it is unnecessary for you to prosecute the claim in that case any further.

I am, sir, respectfully, your obedient servant,

LEWIS CASS

GEORGE M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

[The consular despatch referred to is to be found in its chronological order in this correspondence.]

Mr. Dallas to Mr. Cass.

No. 128.] LEGATION OF THE UNITED STATES,
London, October 8, 1858.

SIR: * * * * * * *

I accompany this with the copy of a note addressed to me by Lord Malmesbury, under date of the 30th September last.

It relates to the claim put in by me six months ago, on behalf of Mr. John A. Machado, of New York, to be compensated for the damages he sustained by the illegal seizure and detention of his bark the "Mary Varney" by the British authorities at Bathurst, in the river Gambia.

It will be observed that this note from the Earl of Malmesbury has been penned while yet the additional evidence (called for in my despatch No. 97 of the 9th April last, and transmitted in your No. 131, reaching me only on the 27th ultimo,) remained uncommunicated to his lordship. It can excite, therefore, no surprise that he remarks the claim to be unaccompanied by "accounts, vouchers, and items." No time will be lost in preparing this fresh proof for consideration by the British government.

Nor is the complaint wholly without plausibility, that no claim for specific damages was advanced either at the time the "Mary Varney" was restored by the vice-admiralty court at Bathurst, with costs, nor during the four years which intervened between the capture and my note of demand on the 6th of April last. Allow me to invoke particular attention to another point in this letter. Much of the weight accorded to claims presented here will depend upon the manner in which it may be answered. I do not know what is the established practice of the department, and must wait to be informed whether, before its sanction to a citizen who is seeking foreign reparation for injury, his case undergoes official examination, and is, in a measure, adopted; or whether the countenance and aid given by the government are wholly independent of investigation. Lord Malmesbury

requests: "To be informed whether they are to understand that the government of the United States has satisfied itself, and if so, upon what grounds, of the entire good faith and reasonableness of the amount claimed, or whether that government merely forwards to her Majesty's government the statement of Mr. Machado as to the amount which he thinks proper to claim, namely, $50,000, without expressing any opinion thereon."

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *September* 30, 1858.

SIR: Her Majesty's government have had under their consideration, and have consulted the proper law officers of the crown upon the claim brought forward by you in the note which you did me the honor to address to me on the 6th of April last, on behalf of Mr. John Albert Machado, of New York, for the sum of $50,000 on account of the losses alleged to have been sustained by him in consequence of the detention of the American bark "Mary Varney" by the British authorities at Bathurst, in the river Gambia, in the month of July, 1854. Her Majesty's government have at the same time had before them a report which, since the receipt of your note, they have obtained from the governor of Bathurst, of the circumstances attending the detention of the "Mary Varney."

I have the honor to request that you will convey to the government of the United States the expression of the regret of her Majesty's government at the seizure of the "Mary Varney," which they are not prepared to justify. But I have to state that, as the vessel was promptly restored, with costs, by the vice-admiralty court at Bathurst, and as no claim for specific damages was advanced at the time, or at any period antecedent to the date of your note of the 6th of April, her Majesty's government cannot but feel some surprise at the nature and amount of the claim now brought forward, unaccompanied as it is by any accounts, vouchers, or items. Under these circumstances, her Majesty's government must request to be furnished with further explanations on these points, and must beg to be distinctly informed whether they are to understand that the government of the United States has satisfied itself, and, if so, upon what grounds, of the entire good faith and reasonableness of the amount claimed, or whether that government merely forwards to her Majesty's government the statement of Mr. Machado as to the amount which he thinks proper to claim, namely, $50,000, without expressing any opinion thereupon.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

WM. SEYMOUR V. FITZGERALD,
in the absence of the Earl of Malmesbury.

Mr. Dallas to Mr. Cass.

No. 132.] LEGATION OF THE UNITED STATES,
London, October 12, 1858.

SIR: With my No. 128, of the 8th instant, I transmitted the copy of a note from the Earl of Malmesbury respecting the claim of Mr. John A. Machado, of New York, for damages arising out of the seizure and detention of the "Mary Varney."

My answer to his lordship, which is annexed in copy, was limited to communicating the additional evidence which accompanied your No. 131.

I regretted to find, upon careful examination, that evidence so entirely devoid of bearing or interest upon the point evidently now uppermost in the attention of this government—that is, the nature and amount of the special damage. In my No. 97 I mentioned the propriety of my being furnished with such statements and calculations, founded upon account sales or other facts, duly authenticated, as would show the aggregate demand of $50,000 not to be arbitrary and fanciful. This, though communicated by you to the professional representatives of Mr. Machado, has been neglected or postponed. If there be really no data for such proof, the solicitors should frankly say so; if they have them, every hour's delay in making the estimate, item by item, and with reference to vouchers, all under sanction of oaths, augments suspicion, and endangers the whole demand.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS, *Secretary of State.*

LEGATION OF THE UNITED STATES,
London, October 9, 1858.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 30th ultimo, respecting the claim brought forward by me, in April last, on behalf of Mr. John Albert Machado, for losses alleged to have been sustained in consequence of the detention of his bark, the "Mary Varney," by the British authorities at Bathurst, in July, 1854, and I have hastened forward your lordship's communication to my government.

It is my duty to abstain from troubling your lordship with comments on the case of the "Mary Varney," until it shall be in my power to give the distinct reply requested to the inquiry made by your lordship, as to how far and on what grounds, preliminary to its presentation, the American government were satisfied of its good faith and reasonableness. I confine myself, therefore, at present, to transmitting, in addition to the papers already transmitted, the following documents, which reached me a few days ago from the Department of State at Washington:

1. The *original* charter-party of the bark "Mary Varney," for the

voyage in question, with receipt for the charter money indorse thereon.

2. Copy of the register, at the time duly authenticated, under th seal of the United States custom-house for the district of New York.

3. Copy of the crew list, duly authenticated in the same manner.

4. Copy of the collector's certificate of authentication to the crev list, given at the time of clearance, duly authenticated in the sam manner.

5. Copy of the collector's certificate of protection to the crew, a American citizens, duly authenticated in like manner.

6. Copy of the manifest with the master's oath on clearing, dul authenticated in like manner.

7. Certificate of clearance, under the seal of the United States cus tom-house for the district of New York.

8. Copy of the shipping articles for the voyage in question, dul authenticated, under the official seal of the public notary who shippe the crew.

Renewing to your lordship the assurance of my highest considera tion, I have the honor to be, your lordship's most obedient servant,

G. M. DALLAS.

The Right Hon. the EARL OF MALMESBURY,
&c., &c., &c.

Mr. Savage to Mr. Appleton.

No. 40.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, October 14, 1858.

SIR: In some of my former communications I stated to you that was watching some vessels, under American colors, that I had goo reason to believe were fitting out for the slave trade. One of these the bark "Ardennes," of New Orleans, Thomas Marsh, master, 23 27-95th tons burden, owned, as per register, by B. F. Tisdah. Th vessel came from New Orleans about the end of August last, and, afte remaining in port for some time, I was given to understand by Captai Marsh that there was a probability of a sale of the vessel being effecte here—the size of the vessel being such that she could not be pu under the Spanish flag. The fact that I could not see what object an American citizen could have of a lawful nature in buying a vessel lik the "Ardennes," in this place, added to the circumstance of Captai Marsh being continually in company of persons (among them o named Antonio Pelletier) reputed as addicted to that illicit trad created in my mind strong suspicions that the bark might be intende for it. Subsequently I learned that she was loading for the coast Africa; I repeatedly asked Captain Marsh if his ship was loadi under a charter-party, to which he answered in the affirmative; a when warned by me against his engaging with parties known slave traders, he replied, with a peculiar look: *Oh, I am ruine* While the vessel was loading the Spanish authorities, as they afte

wards assured me, kept a watch on her, and, from their report, were very particular in examining the cargo put on board. In the meantime reports reached me from various quarters, apt to be well informed on such matters, that the ship was really going upon a slaving voyage. During all this time Mr. Antonio Pelletier, of whom I will treat hereafter, seemed to have full control of the ship and of the goods lading. The chief mate and most of the crew brought from New Orleans were permitted to leave the port for New Orleans without the consent of this office being first obtained. I was so convinced of this fact that I deemed it my duty to demand from Captain Marsh the payment into my hands of one month's wages accruing to government on account of each of said mariners, and recovered the same, which the master paid under protest. There was scarcely a day but I asked Captain Marsh if he was going in the ship as master, without ever obtaining a categorical reply. His usual answer was: *I don't know but I may go yet.* These same words were used by him as late as the morning of the 12th instant. Well, I have now in my possession petitions to the custom-house running from the 20th of September to the 12th of October, both inclusive, (19 in number,) signed, with the exception of one, by Don Felix Hernandez, for permits to ship goods upon the bark "Ardennes," Captain A. Pelletier, bound to Rio Zaire On the last-named date I received a message from Brigadier Echevarria, governor of this city, that he wished to speak to me; I called on him immediately, when I ascertained that his object was to speak to me respecting the "Ardennes." He informed me that the captain general had given strict orders to watch the ship, to make minute examinations of all goods conveyed on board of her, and had directed him to institute proceedings against the parties interested in her, if sufficient grounds were found for a prosecution. And that no grounds had been found to justify the detention of the vessel, although he was morally convinced that she was actually bound on a slaving voyage, and that this conviction was produced by a knowledge of the parties immediately interested in the expedition; I mentioned the name of Mr. Tejedor, and, without contradicting me, he also gave me other names. The governor's words, or others conveying the same meaning, were repeated to me yesterday by the captain general. On the day before, viz: the eleventh, Captain Marsh applied to me for the "Ardennes's" papers and a clearance; I required him to bring me the custom-house clearance and the charter-party, which was not done until the afternoon of the 12th, and then the former document was handed to one of the office's clerks in the street. In the evening Captain Marsh and Mr. Pelletier appeared together in the office and asked for the vessel's clearance; I required the presentation of the charter-party, which, at first, they said they had not brought with them; they left the office, but, without going down stairs, came back, and produced to me a document purporting to be the charter-party entered into between Thomas Marsh, master, for a voyage to Rio Zaires, and other ports on the coast of Africa, to last for three years, with a Don Felix Hernandez, the charterer, to have the privilege to remove master, supercargo, and, in fact, to have full and unlimited control of the ship during that time; this document was witnessed by John W. Disney, the

ter of the schooner "Enterprise," and the same man who,
nt from this port in command of the schooner "Niagara,"
letter to proceed direct to a port of the United States,
which he took the vessel to Africa. Of this man Disney
ten before to the department; I am satisfied, in my mind,
igh a charter-party appears, under the name of Felix Her-
same parties connected with the "Enterprise" are those
n the "Ardennes," and the ones that fitted out the brig
1," which last year sailed from this port, under the com-
Captain Baptista, who with a sea letter to go direct to the
es, and brought a cargo of slaves from Africa to this island.
elieve, in fact I have been assured, that the "Ardennes"
ican property; still, I would not undertake to prove this
it is very difficult, indeed, almost impossible to procure
these matters. However, taking everything into consid-
l also the nature of the greater portion of the cargo, I con-
my duty was not to grant a clearance, and therefore de-
ve one to the ship "Ardennes" unless the parties consented
Key West, and to receive on board a force from an Amer-
f-war, sufficient to insure her going to that port. Mr.
ho seemed to have more to say in the matter than Captain
ressed a decided objection to go into Key West; alleging
red to me a frivolous pretext, and said that he would prefer
is. Of course, I could have no objection to the latter port;
esting Key West, I was merely consulting their own con-
well as that of the United States steamer "Despatch,"
I intended to obtain a requisite force for her escort. Cap-
and Mr. Pelletier, of course, expatiated a great deal on the
l trade, rights of American citizens, &c. But I would wish
en there ever existed, since the treaty between Great Britain
or the suppression of the slave trade, any lawful trade be-
and the coast of Africa? It is notorious, and not to be con-
iat no vessel ever went from Cuba to the coast of Africa but
aptured there, or somewhere else, or brought a cargo of
iba. Besides, it does not stand to reason that a vessel be-
New Orleans (almost next door to Havana) would take in
itity of goods that can be obtained at home for about one-half
d even the rum might, I presume, be had there for about the
or very little more. But the truth is, all this talk about
amounts to nothing at all. The parties concerned deem
t out their expeditions in ports of Cuba, and, unfortunately,
American citizens willing to lend their names and their
nable such parties to have the use of the American flag to
iniquities; for the trade, as it is carried on, is iniquitous,
t circumstance against it is the fact of bringing negroes,
ented themselves with bringing no more than the vessel
ring.

tier desired me immediately to place him in command, but
proper to refuse his application for the time being. Cap-
, therefore, entered a protest; that same night I sent a
the commanding officer of the "Despatch," requesting

him to come here, as I had some reasons to believe such was his intention; and last night I received his reply that he would sail this morning for Havana. He has not yet arrived.

The information I have of Mr. A. Pelletier's character is received from an entirely reliable quarter; he is well known in New York, where his reputation is bad. Should you deem it requisite to institute any inquiries, I refer you to insurance companies and respectable merchants there.

Notwithstanding the reported care of the custom-house authorities in examining all the cargo put on board the "Ardennes," I have some reason to believe that she had a large quantity of water; and last night, at 8 o'clock, a person who passed the ship at about that hour, and who had no reason to give me a false report, informed me that on passing the pumps were being used with great diligence on board, which indicates that they were pumping out the extra quantity of water.

The cargo of the "Ardennes," as per clearance papers, consists of rum, empty pipes, cigars, sugar, pitch-pine boards and scantlings, wine, hhds. shooks, cognac, provisions, &c., &c. It is now late in the evening, and I cannot prepare a list; I will send it in my next.

The parties interested in the cargo have protested against the ship, and I have been told by Mr. Pelletier that it is their intention to discharge the vessel.

This is such a long communication that I will leave other remarks for my next communication on this subject.

I have the honor to be, sir, most respectfully, your obedient servant

THOMAS SAVAGE,
Vice-Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State of the United States, Washington.

Mr. Savage to Mr. Appleton.

No. 43.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, October 24, 185[illegible]

SIR: In my despatch No. 40 I had the honor to inform the department of my action towards the bark "Ardennes." I now enclose several papers relating to the subject, numbered as in the margin.

The United States steamer Despatch came on the 15th instant, by my request. My correspondence with the master of the "Ardennes" explains the present state of the business. She still lies in port, and I understand has asked of the custom-house the requisite permits to discharge her cargo; but the operation has not commenced. I have not agreed to her going to some port of the United States, because I have no person here that I could place full reliance upon for that purpose, and more especially because I am still more satisfied that the bark ceased to be the property of the person whose name appears on

her New Orleans register. In fact, the man whose handwriting is on the secret bill of sale acknowledged the existence of the document when I told him I knew of his handwriting being on it. Pelletier appears as the purchaser, but merely stands for the real buyers, who are not Americans.

Three or four days since I refused a clearance to the schooner "Enterprise," J. W. Disney, master, being satisfied that she is not American property, and therefore not entitled to wear American colors, and furthermore on account of the bad antecedents of Captain Disney. He seems to have adopted a different course from the others. He uses no threats; has not even noted a protest against me; he, on the contrary, humbly prays that I will let him go to sea. But prayers have the same effect with me. I am convinced that my course, if it should meet with the approbation of the government, has put a stop to the use of our flag by Spanish slavers in this port.

The cases of the brigs "Nancy" and "C. Perkins" are still before the real audiencia. I saw the attorney for the crown, who gave me the assurance that he would send his opinion to the court to-morrow in the Nancy case.

The two men, Peter William From, and David Whyte, that were detained here as having belonged to the Syra, were relieved of their recognizances a few days ago, at my request; the latter engaged as an engineer on a Spanish steamer that sailed day before yesterday. From will go to Key West to-morrow morning. I believe the United States district attorney there will have him arrested on his arrival.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS SAVAGE, JR.,
United States Vice-Consul General in Cuba.

HON. JOHN APPLETON,
Assistant Secretary of State of the United States, Washington.

BARK ARDENNES, OF NEW ORLEANS.

List of cargo that this vessel cleared at the custom-house of Havana on the 12th day of October, 1858, for Rio Zaires, coast of Africa.

Date of permit.	Goods.	Shippers.
September 20	80 pipes rum	Felix Hernandes
21	110 half pipes rum	do
	100 quarter pipes rum	do
	10,000 feet pitch-pine boards	do
	2,000 feet pitch-pine scantling	do
23	70,000 cigars	do
	12 half pipes red wine	do
	20 quarter pipes red wine	do
	94 demijohns red wine	do
24	55½ barrels sugar, (white)	do
	17 barrels sugar, (brown)	do
	90 barrels ship's bread	do
25	6 half pipes rum	do
27	105 bundles hogshead shooks, (old)	do
	150 do do	do
	28 boxes cognac	do
	30 boxes Medoc wine	do
	12 barrels Malaga wine	do
29	12 empty pipes for water	do
October 4	90 sacks rice	do
	12 barrels of beef	do
	4 barrels of pork	do
	10 barrels of flour	do
	4 boxes of codfish	do
	1 bag of coffee	do
	1 box tea	do
	12 arrobas sugar	do
	2 kegs butter	do
	2 barrels of corn flour	do
	4 kegs of lard	do
	4 barrels of onions	do
	6 boxes vermicelli	do
	2 barrels of vinegar	do
	3 bags of white beans	do
	3 bags of black beans	do
	2 bags of peas	do
	2 bags of Spanish peas	do
	4 barrels of codfish	do
	4 boxes of raisins	do
	1 dozen bottles of pickles	do
	2 bags of salt	do
	2 gross of matches	do
	½ ream Spanish paper	do
	½ ream letter paper	do
	6 Dutch cheese	do
	2 dozen tins preserves	do
	12 gallons whale oil	do
	1 box bottles of oil	do
	2 half pipes Catalan wine	do
	8 jugs oil	do
	6 barrels potatoes	do
	6 rolls wick	do
	12 strings of garlic	do
	4 hams	do

LIST OF CARGO—Continued.

Date of permit.	Goods.	Shippers.
October 4	50 gls. of iron hoops	Felix Hernandez
5	10 pieces of duck, No. 8, 781½ yards	do
	1 piece of duck, No. 10, 131 yards	do
6	1 barrel of tar	do
	2 iron pumps	do
	3 barrels nails	do
	5 rolls of hawser	do
7	1 hide	do
	6 pigs of lead	do
	1 barrel of nails	do
	1 quarter pipe rum	do
	3 bundles hawser	do
9	2 arrobes thread for sewing sails	do
	2 pieces duck	do
	3 packages Manilla rope	do
	1 box bottles mustard	do
	6 sponges	do
	1 grinding stone	do
	1 package straw	do
	1 box of tea	do
	1 box chewing tobacco	do
	1 box Catalan pipes	do
	4 hams	do
12	30 gallons molasses	F. Schnabelins
	3 pigs	do

[Translation.]

HAVANNA, *October* 15, 1858.

The American bark "Ardennes" awakened a few days ago well-founded suspicions that she was preparing to engage in the trade of *Bozal negroes*, having cleared for the Rio Zaires, on the coast of Africa. For this motive, and conformably to the instructions of the governor superior, there has been, and there is still, a close watch kept over this vessel, although without causing her any molestation. All the formalities and requisites prescribed by the custom-house regulations were fulfilled for her cargo; there exists, nevertheless, strong and circumstantial evidences that the real object of her voyage is the trade already alluded, to, and for my part, I am morally convinced of it, though I have got no proofs to sustain my assertion.

Therefore, and whereas his excellency the captain general has informed me to procure your co-operation in this affair, I hope, from your integrity and well-known zeal, that you will furnish me with every fact and information that you may get on this case, and that which you may discover, since the government is desirous to employ all the means in its power to prevent that purpose.

God preserve you many years.

JOSE IQ'U DE ECHAVARRIA.

The COMMERCIAL AGENT
In charge of the Consulate of the United States at this place.

No. 1.

Mr. Marsh to Mr. Savage.

HAVANA, *October* 16, 1858.

SIR: Having several times represented to you verbally, as well as by protest, that my vessel, the bark Ardennes, of New Orleans, was loaded with lawful merchandise, and lawfully despatched by the custom authorities of this island, and that I am wrongfully detained in this port by your refusing to give me my clearance and register under some frivalous pretext known to you only. Now, sir, I demand, in justice to me and all parties concerned, that you should clear my vessel by giving me my papers, or give me in writing your reasons for detaining the vessel; please answer me by your earliest convenience.

Yours, respectfully,

THOMAS MARSH.

Mr. SAVAGE,
Vice-Consul General of the Island of Cuba.

No. 2.

HAVANA, *October* 18, 1858.

SIR: I received a letter from the commander of the United States war steamer Despatch, on Sunday, the 17th instant, from the hands of your clerk; and, as I have strong suspicions that this letter was wrote in your office, and under your inspection, I will not refer to it but on one or two points. In said letter it was said that I have asked for protection. I only have asked for justice. I deny having ever sent for said war steamer. When the bark Ardennes was lawfully loaded with a lawful cargo of general merchandises, carefully despatched by the proper authorities of the Havana custom-house, I presented myself on the evening of the 13th instant, between the hours of five and six o'clock, p. m., with my clearance of the custom-house, requesting you, Mr. Thomas Savage, to give me the papers and clearance of the bark Ardennes, so that the said bark would proceed on her lawful trading voyage, on the west of Africa, according to her charter-party, celebrated between * * *
* * * * * * * * * *

I, Thomas Marsh, master of the bark Ardennes, and Don Felix Hernandez, of Havana, bearing date the 17th of September, 1858, which clearance you refused me, telling me that you had reasons, known to you only, for refusing me my papers; and when asked by me what were those reasons for so acting, your answer was that you would not let any one know but the government of the United States, and that you should immediately telegraph to Cardenas for a war steamer. I then asked you to transfer a United States citizen, one A. Pelletier, as master of said bark, my health being poor, and feeling too unwell

to proceed on said voyage. To this you also refused, and then I demanded of you to note my protest, which you did, and to said protest I will refer you for the truthfulness of my statements.

Now sir, I, Thomas Marsh, master of the bark Ardennes, demand of you my papers, so that I may fulfil my charter, and if not, your reasons in writing for so acting; and although you said in your last communication to me that you had given them to me verbally and that before witnesses, I do not recollect the circumstances; and I think that a vice-consul general of the United States of America, who stops a vessel of the United States in a foreign port, causing so much damage to the parties interested, must have powerful motives, which he should not be afraid, nor imply any excuses for the purposes of not giving in *writing* those reasons which are causing the ruin of those who have to suffer by those steps which you have taken.

I hope, Mr. Savage, you will do me the favor to answer this letter immediately, and that you will not allow yourself to lose the dignity of the position which you occupy to-day, by taking excuses, so as not to give me your motives in writing for punishing me the way you do, for faults which I am yet ignorant what they are.

An early answer will be thankfully received by your obedient servant,

THOS. MARSH.

Mr. THOMAS SAVAGE,
Vice-Consul General of the United States of America.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, October 16, 1858—12.10 *o'clock.*

SIR: Your letter of this date has just reached me, and contents are noted.

I have already expressed to you and to Mr. Antonio Pelletier, and repeated in the presence of Lieutenant Parrott, commander of the United States steamer "Despatch," my determination not to grant a clearance to the bark "Ardennes" unless upon the condition of her going to Key West under charge of the said war steamer. Both yourself and Mr. Pelletier refused to accept this condition, and made known to me, in the presence of Lieutenant Parrott, that the parties who loaded the ship had determined to discharge the cargo. This was *your final decision* yesterday after three o'clock, and you also threatened to make an abandonment of the bark *Ardennes* into *my* hands. You will recollect that I replied, that as you assured me and Lieutenant Parrott that the Ardennes had not ceased to be American property, if I found she was abandoned, *I would certainly send proper persons on board of her to protect the property* FOR HER OWNERS.

My reasons for refusing a clearance to the bark have been communicated to you and to Mr. Pelletier several times, and repeated to both of you in the presence of Lieutenant Parrott, who *did not* consider them *frivolous pretexts* as you are pleased to call them. I have

also laid the case before the Department of State, at Washington. decline to repeat them here. I will say to you, however, that M Antonio Pelletier, who seems to have more to say than yourself abc the Ardennes' affairs, offered last evening to produce *bonds* to y satisfaction that the bark would go from Havana direct to the Unit States. I declined his offer, stating that the ship once out of port could not have means of enforcing the *bonds if she did not go to th United States.* I again offered him the Despatch's escort, which he declined to accept, alleging that he was quite certain I would be sending profits, &c., to Key West that would insure to the *Ardennes* the same fate the bark *Lyra* has had there. This conversation passed in the presence of respectable witnesses.

I see no reason to change the determination I have deemed it my duty to take in respect to the bark Ardennes.

I am, sir, your obedient servant,

THOS. SAVAGE, JR.,
U. S. Vice-Consul General in Cuba.

[OFFICIAL SEAL.]

Capt. THOMAS MARSH,
Master of the bark "Ardennes," of New Orleans.

HAVANA, *October* 20, 1858.

DEAR SIR: In reply to your esteemed communication, requesting me to state the conversation which took place on the evening of the 15th instant, between yourself and Mr. Pelletier, in the presence of Mr. Caire and myself, in relation to the bark Ardennes, allow me to state that you were accosted by Mr. Pelletier, who asked you "if you would accept bonds to insure his going to a port of the United States;" you refused, alleging that "after the Ardennes left port you could not enforce the same, as no one could say where the vessel had gone." You offered to send her under the escort of the United States steamer Despatch to Key West, remarking at the same time that "it would be in the line of the proposed trip to the coast of Africa;" this offer Mr. Pelletier refused to accept, stating that, "were he to accede to your proposal, you would send proofs to the authorities of that place as you did in the case of the Lyra, and would insure to his vessel the same fate." The captain then proposed to surrender the vessel into your hands; you declined such a course, but remarked, if you "found the vessel abandoned, you would take charge of her for the benefit of her owners." Here the conversation ended and Mr. Pelletier left us.

I remain, sir, most respectfully, your obedient servant,

J. C. LEGARÉ.

THOMAS SAVAGE, Esq.,
United States Vice-Consul General in Cuba.

HAVANA, *October* 19, 1858.

DEAR SIR: In reply to your esteemed favor under date of this day, I beg leave to state the following facts.

I remain, sir, most respectfully, your obedient servant,

F. C. PAUL CAIRE.

THOMAS SAVAGE, Esq.,
Vice-Consul General of the United States, Island of Cuba.

On the 15th instant, at about half-past seven p. m., Mr. Thomas Savage, vice-consul of the United States, Legaré, of this place, and myself, were walking together, when, at the corner of "De los Opiros" street and the "Plaza de Annas," we met Mr. Pelletier. This gentleman left Captain Marsh, with whom he was conversing at the time, and coming to us he at once addressed Mr. Savage, bringing the conversation upon the bark "Ardennes." He first proposed to furnish bonds to the satisfaction of Mr. Savage to secure his taking the vessel to a port in the United States, this was met with a flat refusal on the part of Mr. Savage, who answered that Mr. Pelletier was well aware that after the vessel had left this port there would be no means of enforcing such bonds, in case he did not proceed with the bark to a port in the United States.

Mr. Pelletier then said he was perfectly willing to take the vessel either to New Orleans or to Mobile; whereupon Mr. Savage repeated him the offer he had already made him in my presence on several occasions, which was, that he would go to Key West under escort of the United States war steamer "Despatch," or receive on board of his vessel some of her officers. This offer Mr. Pelletier declined, saying that he knew well enough that if he went to Key West Mr. Savage would send to the United States authorities there sufficient proofs to insure to the Ardennes the same fate that the Lyra had met with.

Mr. Pelletier insisted, saying that he would discharge the bark and surrender her into the hands of Mr. Savage. Mr. Savage answered, that in the event of his, Mr. Pelletier, taking such steps he would take charge of the bark for the benefit of her owners.

F. C. PAUL CAIRE.

Mr. Dallas to Mr. Cass.

No. 135.] LEGATION OF THE UNITED STATES,
London, October 28, 1858.

SIR: Your letter of the 4th instant, No. 136, accompanied by the sealed affidavit of Mr. Thomas Savage, vice-consul general of the United States at Havana, was received on the 22d, and I lost no time in apprising her Majesty's government that the further prosecution of the claim founded upon the seizure and detention of the schooner "Cortez" was deemed unnecessary.

To preclude the supposition that this decision was motived by any conflict as to fact in the statement of Mr. Savage and his predecessor, Mr. Blythe, I thought it just to both those gentlemen that their agreement should be distinctly pointed out, and the discontinuance be referred to its real cause. My note to Lord Malmesbury, which may not be considered as calling for a reply, is herewith annexed.

I have the honor to be, sir, your obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

LEGATION OF THE UNITED STATES,
London, October 25, 1858.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, referring to the note which was addressed to him by the honorable Lewis Cass, under date of the 12th of May last, and to the documents which accompanied it, connected with the seizure of the schooner "Cortez," all of which have been communicated by him in copy, has the honor to inform the Earl of Malmesbury, her Majesty's principal secretary of state for foreign affairs, that the American government, since the receipt of his lordship's letter to the undersigned of the 17th June, 1858, have taken steps to obtain additional information from the United States consulate at Havana as to the facts connected with the national character of that vessel.

It will be recollected that in the original report made to his government, the consul general of the United States, then Mr. A. R. Blythe, stated that "the Cortez certainly took from this [his] office regular papers." Such a declaration could not fail to have weight. Capable, however, of verification under oath, from records and otherwise, it was thought most proper that it should be so verified; and accordingly, with that view, the present vice-consul, who acted as deputy to his predecessor, and was presumed personally cognizant of the circumstances, had his attention called to the positive statement of Mr. Blythe.

The undersigned has the honor to forward to the Earl of Malmesbury a sealed package, with an indorsed affidavit made by Mr. Savage before her Majesty's consul general in Cuba on the 24th ultimo. A duplicate of the paper therein referred to was transmitted to the State Department at Washington. The present one is presumed to be designed for the use of the British government. The evidence thus furnished by Mr. Savage, explicitly and in greater minuteness, establishes the truth of the declaration made by Mr. Blythe: "the Cortez certainly took from his office regular papers."

In making, however, this communication to Mr. Cass, Mr. Savage has expressed his very strong conviction, springing from rumors and incidents the truth of which he disclaims being able to prove, that *although* the "Cortez," shortly before her capture, "left the port of

Havana as an American vessel, she had been previously secretly sold to Spanish slavers in Cuba, and was not entitled to the papers nor flag she used." Without embarrassing themselves with a strict inquiry into the foundation of Mr. Savage's belief, the government of the United States have preferred acting frankly upon the candid opinion avowed by their officer. The undersigned has therefore been instructed that it is unnecessary to prosecute any further the claim arising out of the seizure of the "Cortez" by her Majesty's screw gunboat "Forward."

The undersigned renews to the Earl of Malmesbury the assurance of his most distinguished consideration.

G. M. DALLAS.

The Right Honorable the EARL OF MALMESBURY, *&c., &c.*

Mr. Dallas to Mr. Cass.

No. 134.] LEGATION OF THE UNITED STATES,
London, October 29, 1858.

SIR: The additional papers transmitted with your No. 132 in support of the claim presented to this government on behalf of Messrs. Ellis & Cobb, of Boston, in the case of the "Caroline," have been sent to the Earl of Malmesbury, and by him transferred to the lords of the admiralty, by whom the facts are being investigated. Copies of the notes interchanged are annexed.

It may be useful to say that the *original* letter, copied in Captain Gibbs's protest as having been addressed to him by Commander Hunt, of her Britannic Majesty's sloop "Alecto," dated at Sierra Leone, May 12, 1858, should be sent to me. Its genuineness and exact import may become important.

I have the honor, &c.,

G. M. DALLAS.

Hon. LEWIS CASS, *Secretary of State.*

LEGATION OF THE UNITED STATES,
London, October 20, 1858.

MY LORD: I have the honor to transmit herewith to your lordship, for the consideration of her Majesty's government, certain documents sent to me from the Department of State at Washington, by despatch received on the 4th instant, designed as evidence additional to that heretofore presented in the case of the claim of Messrs. Ellis & Cobb, of Boston, to be indemnified for injuries and losses alleged to have been inflicted upon them in the capture and detention of their brig "Caroline" by the British steam ship-of-war "Alecto." These papers may be comprehensively described as follows:

1. An office copy of the register.
2. An office copy of the shipping articles.
3. An office copy of the crew list.
4. An office copy of the clearance at Boston.
5. An office copy of the clearance at Freetown, Sierra Leone.
6. The affidavits of Horace Tufts, supercargo.
7. Claimants' statement of sale and purchase of cargo at Sierra Leone.
8. Claimants' estimate of damages.

Renewing the assurance of my highest consideration, I have the honor to be, your lordship's most obedient servant,

G. M. DALLAS.

The Right Hon. the EARL OF MALMESBURY, *&c.*, *&c.*

FOREIGN OFFICE, *October* 26, 1858.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, enclosing further documents in support of the claim of Messrs. Ellis & Cobb, of Boston, to be indemnified for injuries and losses alleged to have been sustained by them in consequence of the seizure and detention of their brig "Caroline" by her Majesty's steam sloop "Alecto," off the Rio Nunez in May last; and I beg leave to acquaint you that I have forwarded these documents to the lords commissioners of the admiralty.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

MALMESBURY.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Mr. Cass to Mr. Toucey.

DEPARTMENT OF STATE,
Washington, October 30, 1858.

SIR: I have the honor to acknowledge the receipt of your communication of the 27th instant, with the enclosures accompanying it complaining of the course pursued by the United States vice-consul general at Havana, in refusing to clear the American bark Ardennes which was suspected of being engaged in the slave trade.

The letter of E. G Parrott, lieutenant commander, with the papers transmitted with it, is herewith returned, with the thanks of the department for the opportunity of perusing them.

I am, sir, your obedient servant,

LEWIS CASS.

Hon. I. TOUCEY,
Secretary of the Navy.

Mr. Dallas to Mr. Cass.

[Extract.]

LEGATION OF THE UNITED STATES,
London, November 4, 1858.

SIR: * * * * * * *

With my No. 135 I forwarded a copy of my note to the Earl of Malmesbury, apprising him of my intention, under your instructions, not to prosecute further the claim arising out of the capture of the schooner "Cortez" by the British gunboat "Forward." The transcript of his answer is subjoined.

* * * * * * * *

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *October* 29, 1858.

SIR: I beg leave to acknowledge the receipt of the note which you did me the honor to address to me on the 25th instant, acquainting me that it is not the intention of the United States government to prosecute any further the claim arising out of the seizure of the schooner "Cortez" by her Majesty's gunboat "Forward," off the coast of Cuba in the month of April last.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Mr. Helm to Mr. Cass.

[Extracts.]

No. 48.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, November 15, 1858.

SIR: I have the honor to inform you that the bark "Ardennes," of New Orleans, detained at this port by my predecessor, Mr. Savage, on suspicion that she was about to be despatched to the coast of Africa for slaves, was, on the 10th instant, sold by Thomas Marsh, her master, to Antonio Pelletier, with my consent, and a sea letter granted to Captain Pelletier to proceed direct to Jacksonville, Florida, with said bark, there to obtain a new register, in conformity to law. The authority of Captain Marsh to execute the bill of sale, though satis-

tory, was not legally complete, and therefore the purchase money
5,000, the full value of the vessel) was deposited with me until a
)perly authenticated power of attorney from the owner at New Or-
ns should be forwarded to this consulate.
Captain Pelletier also purchased the schooner "Enterpise," detained
Mr. Savage for the same reason; the power of attorney, however
m the owner to the agent who made the sale is defective in an
)ntication, and the bill of sale is not in conformity to law. The
ent and former master have both left this island under the impres-
n, as I believe, that the sale was complete, and in strict conformity
the laws of the United States, and the vessel upon my arrival here
s, and has ever since been, in possession of Captain Pelletier. This
sel I will to-morrow despatch in ballast for Jacksonville also, having
self selected the master and crew, with the free consent of Captain
lletier. It is agreed between Captain Pelletier and myself that the
ooner "Enterprise," upon her arrival at Jacksonville, Florida,
ill be delivered to the collector of customs, who, in default of the
ival in due time of the bark "Ardennes," is to turn the schooner
r to the United States district attorney, to be forfeited to the United
tes as a slaver; but should Captain Pellitier be at Jacksonville
h the bark "Ardennes" upon the arrival of the schooner, or reach
re in a reasonable time after her arrival, then Captain Pelletier is
control his two vessels, with all legal restrictions, as though this
reement had not been made. The evidences of ownership in Cap-
n Pellitier of the schooner have been placed by him in my hands,
l will be enclosed to the collector at Jacksonville.
Mr. Savage has given the department a full history of these two
sels, and of all the parties that he supposed directly or indirectly
ncerned with them. I shall therefore not enlarge upon that branch
the subject, except as to Captain Pelletier himself. On my arrival
e, and before I took charge of the office, he called on me and ex-
ited to me, as I believe, all the papers connected with the affairs
the bark "Ardennes," which he then desired to clear for the coast
Africa, *on a legal trading voyage*, as he declared, insisting that he
er had been, directly or indirectly, engaged in the slave trade. I
n gave no intimation as to what course I should pursue in reference
his vessel, but made it a point to inquire into his former character,
l, from all I could learn, no suspicion rests upon him for any com-
city in the slave trade. * * * * * I have now no doubt the
) vessels will go direct to Jacksonville, and there be disposed of
ording to law.
. have enclosed herewith a copy of my communication to the col-
:or of customs at Jacksonville.
. have the honor to be, sir, very respectfully, your obedient servant,

CHARLES J. HELM.

Hon. LEWIS CASS,
Secretary of State of the United States, Washington.

Since writing the above despatch I have consented that the schooner
y be delayed a few days to take in a cargo of fruit.

C. J. HELM.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, November 15, 1858.

SIR: The schooner "*Enterprise*," of Brunswick, Georgia, will sail for your port to-morrow. I have appointed C. W. Robinson master, and instructed him to report to you immediately upon his arrival, and deliver into your hands this package, and all the ship's papers.

The following enclosures, to wit: a copy of my despatch to the Department of State of this date; an original power of attorney from John B. Lassere, trustee of Mary J. Dangaix, to Joseph Dangaix, all of the county of Glynn, Georgia, and an original bill of sale from the attorney, Joseph Dangaix, to Antonio Pelletier, will place you in possession of all the facts necessary to your future action in reference to the said schooner, and the bark "*Ardennes*," mentioned in my said despatch to the honorable Lewis Cass, Secretary of State.

I am, sir, very respectfully, your obedient servant,

C. J. HELM.

THOMAS LEDWITH, Esq.,
Collector of Customs, Jacksonville, Florida.

Mr. Cass to Mr. Dallas.

No. 142.] DEPARTMENT OF STATE,
Washington, November 18, 1858.

SIR: Referring to your No 134, of the 29th ultimo, I now enclose the original letter addressed by Commander James Hunt, of her Britannic Majesty's sloop "Alecto," to Captain Bradford Gibbs, of the American brig "Caroline," under date of the 12th of May, 1858. This letter was transmitted to the department in one from Messrs. Ellis & Cobb of the 16th instant, a copy of which is also enclosed.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

G. M. DALLAS, Esq., *&c., &c., &c.*

BOSTON, *November* 16, 1858.

SIR: We have to acknowledge due receipt of your favor of the 13th instant, and note Mr. Dallas's request to have the original of Commander Hunt's letter forwarded to him. In compliance we herewith hand you enclosed the letter alluded to, and trust that it may forward our interest.

Very respectfully, your obedient servants,

ELLIS & COBB.

Hon. JOHN APPLETON,
Assistant Secretary of State, Washington.

Mr. Van Dyke to Mr. Cass.

PHILADELPHIA, *December* 3, 1858

SIR: John Disney, late of Baltimore, Maryland, sailed from Phi delphia, in the brig Meta, in June last, for Havana. He then left t brig and joined the schooner "Enterprise," of Brunswick, Georg This schooner had been owned by Joseph Dangaux, of Brunswi He transferred her to Antonio Pelletier, a naturalized American, siding at present in New York. The bill of sale was secret, and t name of Pelletier used as a cover of the real owner, G. Izador, Spaniard. This conveyance was made in Havana, to which pla Dangaux had gone. The vessel was there fitted out for the coast Africa, under a charter-party made between Disney and Pelletie Disney acting as master only to the coast of Africa, where Disn supposes some one else was to take charge of the vessel under secr instructions. Disney informs me the vessel has been seized and se to Jacksonville, Georgia. Disney also appears to know all about t bark "Ardennes," which was seized in Havana and sent to Charle ton, South Carolina. She had been cleared for the coast of Afri with a cargo of rice, whiskey, lumber, &c. She is also owned Izador, though Pelletier is represented as the owner.

I have recommended Captain Disney to make a full statement of a he knows in relation to these vessels, and to go to Washington f that purpose. He has consented to do so, if the government will p his expenses and compensate him for the time he will lose in so doin He informs me that Mr. Savage, the acting consul, was very anxio he should make such disclosure to him before he left Havana, but was unwilling to do so there. If the information you have in rel tion to these vessels renders Disney's statement desirable, and wi inform me thereof by the 7th instant authorizing payment as me tioned, I will see that he reports himself at your department.

I am, sir, your obedient servant,

J. C. VAN DYKE,
United States Attorney.

Mr. Cass to Mr. Van Dyke.

DEPARTMENT OF STATE,
Washington, December 6, 1858.

SIR: Your letter of the 3d instant, making, in behalf of Jo Disney, a proposition for his coming hither to make disclosures wi reference to the African slave trade, has been referred to the Attorn General, who has a supervision of prosecutions for that offence.

I am, sir, your obedient servant,

LEWIS CASS

JAMES C. VAN DYKE, Esq.,
Attorney of the United States for the
Eastern District of Pennsylvania, Philadelphia.

Mr. Hillyer to Mr. Appleton.

OFFICE OF THE SOLICITOR OF THE TREASURY, *December* 7, 1858.

SIR: I have received your letter of the 6th instant, enclosing one from the United States district attorney for the eastern district of Pennsylvania, and calling my attention to a proposition made by Captain Disney to make disclosures respecting the bark "Ardennes," and other vessels, charged with being concerned in the slave trade.

Upon turning to the letter of Mr. Van Dyke, he says: "I have recommended Captain Disney to make a full statement of all he knows in relation to these vessels, and to go to Washington for that purpose. He has consented to do so if the government will pay his expenses, and compensate him for the time he will lose in so doing," &c.

In relation to this proposition I have the honor to say that, from the statement given by Mr. Van Dyke of the opportunities of Captain Disney to acquire information, it is quite probable that he can give testimony that would bring home to the vessels to which he refers the crime of being engaged in the slave trade.

Whatever information he possesses can be communicated through the district attorney, as well as to the Secretary of State in person. This can be done without any expense or loss of time to Captain Disney.

I cannot, therefore, recommend the acceptance of Captain Disney's proposition to come to Washington upon the terms stated by him.

I return Mr. Van Dyke's letter, and am, very respectfully, your obedient servant,

JUNIUS HILLYER.

Hon. JOHN APPLETON,
Acting Secretary of State.

Mr. Appleton to Mr. Van Dyke.

DEPARTMENT OF STATE,
Washington, December 9, 1858.

SIR: Your letter of the 3d instant, relating to the proposition of Captain Disney, in connexion with certain vessels charged with having been concerned in the slave trade, having been received and referred to the Solicitor of the Treasury, I transmit herewith a copy of the Solicitor's communication, dated the 7th instant, in which he states that he cannot "recommend the acceptance of Captain Disney's proposition." In this suggestion the department concurs.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

JAMES C. VAN DYKE, Esq.,
United States Attorney, Philadelphia, Pa.

Mr. Flemming to Mr. Cass.

JACKSONVILLE, *Florida, December* 9, 1858.

SIR: In the discharge of my duty as the deputy of Chandler C. Young, United States district attorney for the northern district of Florida, I deem it necessary to address you on the subject of the bark Ardennes, Captain Antonio Pelletier.

Of the arrest of this vessel and the schooner Enterprise, by Mr. Savage, the late American consul at Havana, on the suspicion of their having been fitted out for the slave trade, and of the action of Mr. Helm, the present consul, in reference thereto, you have been officially informed by these gentlemen respectively.

On the 22d November last the bark Ardennes arrived in this port, and before it was known here that she had been arrested at Havana on suspicion of being fitted out for the slave trade, it was suspected that she was about to engage in that traffic.

The causes of suspicion were these:

1. The papers of the bark were incomplete, and the captain could give no satisfactory reason for their being so.

2. The cargo was just such an assortment as a slaver would take to the coast of Africa.

3. Captain Pelletier, on his arrival here, was found in intimate association with persons who had recently returned from Cuba, and who had been talking about the slave trade, and one of whom had been heard to declare that a slaver would shortly come to this port for the purpose of changing her papers; that she would not return into Key West, as a slaver had been condemned there, going on a similar mission.

The collector of our port was of opinion that as the consul, Mr. Helm, seemed to be satisfied that all was right, and had sent the vessel to him for a new register, it was his duty to grant it; at any rate he would not assume the responsibility of detaining and examining her.

As soon as it was known that the collector had determined to clear the Ardennes for the Canary Islands, Captain Pelletier was arrested on a charge of preparing his vessel with intent to engage in the slave trade, and this charge is now being investigated before his honor McQueen McIntosh, judge of the United States court for this district.

Soon after the arrest of the captain, the mate, George Milds, the only American of the crew, left for parts unknown before a subpœna could be served on him.

I am firmly of the opinion that the Ardennes was fitted out for a slaver, and acting upon this conviction I have libelled him.

If any information has been communicated to your department that can aid me in the investigation of this matter, I ask that you would put me in the possession of the same. This community is strongly opposed to the execution of the laws prohibiting the slave trade, and every obstacle is thrown in the way of the officers who are endeavoring to discharge their duty.

I have good reason to believe that many persons in this vicinity

seriously thought of engaging in the slave trade, and that the Ardennes is the pioneer of the enterprise.

Strong influences will be brought to bear upon the authorities at Washington for the release of this vessel, but I trust they will allow the law to take its course. In anything that I have written I do not mean to reflect upon the action of the collector. I think he has acted conscientiously, but timidly. Mr. Helm's instructions, or, rather, communications to him, have not been very explicit or comprehensible.

Respectfully yours,

L. J. FLEMMING,
Deputy U. S. Dist. Attorney, Northern District of Florida.

Hon. LEWIS CASS,
Secretary of State, Washington.

Mr. Appleton to Mr. Flemming.

DEPARTMENT OF STATE,
Washington, December 15, 1858.

SIR: Your communication of the 9th instant respecting the bark Ardennes, was received here this morning, and has been referred, with the several despatches of the United States consul general at Havana, having reference to the subject, to the Solicitor of the Treasury, in order that the requisite instructions may be given for your guidance in the premises.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Appleton to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, December 15, 1858.

SIR: I transmit herewith a communication dated the 9th instant, received here this morning from the United States attorney at Jacksonville, Florida, in which he asks for such information in possession of the department, as may aid him in the investigation of the case of Captain Pelletier, of the brig Ardennes, who has been arrested at the above-named place on the charge of preparing his vessel with intent to engage in the slave trade. For your information on the subject, and in order that you may be enabled to give the requisite instructions to the United States attorney, I also transmit three despatches, Nos. 40, 43, and 48, with the enclosures accompanying them, which have been received from the consul general of the United States at Havana.

I will thank you to return the papers accompanying this communi cation after having made use of them.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Appleton to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, December 18, 1858.

SIR: Referring to the communication from this department ad dressed to you on the 15th instant, respecting the "Ardennes," I be leave to submit for your perusal the accompanying communication c Mr. Van Dyke,* from which it appears that Captain Disney may b an important witness in the trial of the case at Jacksonville.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Appleton to Mr. Van Dyke.

DEPARTMENT OF STATE,
Washington, December 18, 1858.

SIR: Referring to the communication addressed to you from this department on the 9th instant, respecting the "Ardennes," I transmit, for your information, a copy of a letter received from the United States attorney at Jacksonville, Florida, and I will thank you to communicate to that officer such information with respect to the character of the "Ardennes" as may be in your possession. Should the evidence which Captain Disney is able to give be such as to make it necessary that he should become a witness for the government, you will please communicate with the Solicitor of the Treasury on the subject.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Miles to Mr. Cass.

WASHINGTON, *December* 19, 1858.

SIR: You will oblige me by communicating any information whic may have reached our government touching the seizure of the schoone "Lydia Gibbs," Captain Watson master, on the coast of Africa, in

*See Mr. Van Dyke's letter, December 3, 1858, p. 282.

May last, by Captain Close, of her Britannic Majesty's cruiser "Trident." Captain Watson had his home in Charleston, South Carolina. Since the seizure of his vessel he has died of yellow fever at "Ayuda." (?) His widow and family are extremely desirous of learning all the facts of the case. None of his crew have yet returned to the United States.

It is impossible as yet to collect regular evidence in the case. Meanwhile some demand from the British government for an account of so high-handed an affair would be but just and proper. I enclose herewith all of Captain Watson's ship's paper in his possession at the time of his death. I beg to refer you to several notes and letters accompanying them, particularly the letter of William Summerfield, giving a version (though at second hand) of the whole transaction.

Your early and prompt attention to this matter will greatly oblige me.

I am, with high respect, your very obedient servant,

WM. PORCHER MILES.

Hon. LEWIS CASS,
Secretary of State.

CONSULATE GENERAL OF THE UNITED STATES, ISLAND OF CUBA.

I, Andrew K. Blythe, consul general of the United States of America for the island of Cuba, residing at Havana, do hereby certify that R. C. Welling, John Russell, James Anderson, Richard Nash, John Barber, and John Donohue, whose names appear on the crew list hereto annexed, have, on the 8th instant, entered in this city into a new contract with the master of the brig "Lydia Gibbs," of Charleston, to proceed in said vessel "from Havana to Annabon, from thence to a port of discharge, whether in the West Indies or the United States," on the terms set forth in the shipping articles signed by them in this city.

Given under my hand and official seal at Havana, this 9th day of March, 1858.

A. K. BLYTHE,
By THOS. SAVAGE, JR.,
Deputy Consul General.

Mr. Sedgwick to Mr. Hillyer.

SOUTHERN DISTRICT OF NEW YORK,
United States District Attorney's Office,
New York, December —, 1858.

SIR: I was informed by your letter of the 31st July, 1858, that two witnesses, F. Martinez and Antonio Fucitta, were sent home from Havana by the United States consul there, to be detained as witnesses

in the case of the *C. Perkins*, a vessel arrested at Havana on suspicion of being engaged in the slave trade.

The witnesses arrived here about the above time. Martinez escaped during the summer. Fucitta has been ever since, and still is, in custody here. I have no advices from our consul at Havana since ——— a letter of the 19th September received the 16th of October and I write to inquire whether you have any information on the subject of the C. Perkins, and in the absence of any, how long the man Fucitta shall be detained in custody.

If you think it best I will write to the consul on the subject direct.

I am, sir, very respectfully, your obedient servant,

THEODORE SEDGWICK,
United States District Attorney.

JUNIUS HILLYER, Esq.,
Solicitor of the Treasury.

Mr. Appleton to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, December 20, 1858.

SIR: It has been stated in the public prints that the yacht "Wanderer," charged with being concerned in the slave trade, touched last at St. Helena, "where there was no United States consul."

I think it proper to inform you that Mr. G. W. Kimball is the United States consul at that place, and Mr. William Carroll the deputy consul; neither of these gentlemen has been absent from that island, as it is believed, during the current year.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

JUNIUS HILLYER, Esq.,
Solicitor of the Treasury.

Mr. Hillyer to Mr. Appleton.

OFFICE OF THE SOLICITOR OF THE TREASURY,
December 21, 1858.

SIR: I have received this morning your letter of the 18th instant respecting the case of the bark "Ardennes," and enclosing one from James C. Van Dyke, esq., district attorney of Philadelphia, relating to the same case, dated 3d instant, for my perusal.

I have this day enclosed copies of both these letters to the United States attorney for the northern district of Florida, and called his *especial* attention to their contents.

I return Mr. Van Dyke's letter, and am, very respectfully, your obedient servant,

JUNIUS HILLYER,
Solicitor.

JOHN APPLETON, Esq.,
Assistant Secretary of State.

Mr. Hillyer to Mr. Appleton.

OFFICE OF THE SOLICITOR OF THE TREASURY,
December 21, 1858.

SIR: I have received your letter of yesterday in relation to the case of the yacht "Wanderer," and have this day enclosed a copy to the United States district attorney at Savannah, Georgia.

I am, sir, your obedient servant,

JUNIUS HILLYER,
Solicitor.

JOHN APPLETON, Esq.,
Assistant Secretary of State.

Mr. Cass to Mr. Dallas.

No. 144.] DEPARTMENT OF STATE,
Washington, December 22, 1858.

SIR: I transmit, for your information, the copy of a communication of the 16th instant, addressed to this department by the Secretary of the Navy, relative to the recent capture of two American vessels—the "Kate Ellen" and the "Isabella"—by British war steamers, on the coast of Africa.

It would seem, of late, to have become a custom of British naval officers on the African station to warn suspected slavers sailing under the American flag that if they are captured by United States vessels they will be sent home for trial and probably convicted; thus encouraging the destruction of evidences which would render them liable to the penalties of American law. The temptation of prize-money is, of course, sufficient to counteract any wish which the officers may entertain for a conviction under our laws of the masters and crews of suspected vessels. Under these circumstances, therefore, it would be well for you to bring the matter to the notice of the British government, in order that some method may be devised to put a stop to such an abuse.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

Mr. Toucey to Mr. Cass.

NAVY DEPARTMENT, *December* 16, 1858.

SIR: I have the honor to submit herewith, for your perusal, two letters, dated the 8th and 9th of October last, written to Flag-Officer Conover, commanding the African squadron, by Commander Totten, of the United States sloop Vincennes, in relation to the recent capture of the American vessels "Kate Ellen" and "Isabella," by British war steamers, on the coast of Africa.

With great respect, your obedient servant,

ISAAC TOUCEY.

Hon. LEWIS CASS,
Secretary of State.

UNITED STATES SHIP VINCENNES,
Loando, October 8, 1858.

SIR: I was told yesterday that there were two or more persons here who were in the American schooner "Kate Ellen" when she was taken possession of by her Britannic Majesty's steam vessel, on September 15. One man, a Portuguese, was alongside this morning. I hailed him up, and, in answer to my questions, I found that he was not in the "Kate Ellen," but was in another vessel, the "Isabella," and was lying near to the schooner when she was taken by the Viper.

He says that the crew of the "Kate Ellen" were on board, and were landed by the English, but is not certain that the American colors were flying at the time. He says that there are two men now in the hospital at this place who were in the "Kate Ellen" at the time.

He also says that, a few days after the "Kate Ellen" was taken, the "Isabella" was boarded by the English, and captured. Her hatches were forced open, although some of the crew attempted to prevent it, and that, by threatening to deliver her up to an American cruiser, when they would all be imprisoned, and promising, if taken by them, that all would be liberated, the captain of the "Isabella" was induced to haul down his flag, some of the crew attempting to prevent it. The man was so contradictory and evasive in his replies that I could give little credit to his statement. I asked him if he would go before the American consul and take an oath to the truth of his statements, which he declined doing.

It is barely possible that something more reliable may be obtained from the persons on shore at the hospital; but if I sail this afternoon, as I purpose to, I would not have the opportunity of attending to it.

I send herewith a copy of certificate given me by the prize-master of the "Kate Ellen," who I met at sea on September 19, 1858.

I have the honor to be, very respectfully,

B. J. TOTTEN,
Commander.

Flag-Officer THOS. A. CONOVER,
Commander-in-chief U. S. Naval Forces, West Coast of Africa.

Certificate given by prize-master of "Kate Ellen," American schooner captured by her Britannic Majesty's ship Viper.

Slave schooner captured at anchor off Kalongo by her Majesty's ship Viper, Commander Hotchkinson, on Wednesday, 15th September. On boarding her, found her deserted, with no color and papers on board, and a slave deck laid, and the words "Kate Ellen," Plymouth, covered over on her stern.

W. M. BRIDGES,
Officer in charge of Prize.

UNITED STATES SHIP VINCENNES,
Loando, October 9, 1858.

SIR: According to your instructions, I went yesterday with the American consul, Mr. John G. Willis, to the hospital at this place. I could find no one there who had been in the "Kate Ellen" when she was captured, in September, by the English steamer Viper.

But we found a person there, a Portuguese or Spaniard, who stated that he was in the "Isabel" when she was taken possession of by the English. The accompanying affidavit will show the information we obtained from him.

As there is a discrepancy between the statement received yesterday morning from another individual and this, I must add that I am disposed to attach more credit to this, inasmuch as there was no hesitancy of manner or contradiction on the part of Fernandes while giving it.

I have the honor to be, very respectfully,

B. J. TOTTEN, *Commander.*

Flag-Officer THOMAS A. CONOVER,
Commander-in-chief United States Naval Forces,
West Coast of Africa.

I, Bonito Fernandes, do solemnly swear that I shipped on board the brig Isabel at Havana; that while lying at anchor near Black Point, on the coast of Africa, a boat from the English brig-of-war "Orion" came alongside, and the officer and crew came on board. The American flag was flying at the time, and was kept flying for three days, during which time the hatches were broken open, and they then commenced overhauling the cargo, which consisted of rum, wine, and beef. At the expiration of three days the captain ordered the mate, under threats from the English officer, to haul the flag down, which was done against the will of the crew, who remonstrated against it. The captain, cook, and steward, were taken to St. Helena,

and the mate and crew were put on shore at Cabinda, with starvation staring them in the face.

his
BONITO + FERNANDES.
mark.

HOSPITAL DA MISERICORDIA, *Loando, October* 8, 1858.

Witnesses to signature:
B. J. TOTTEN,
Commander United States Navy.
JOHN W. NIXON,
Purser United States Navy.

UNITED STATES COMMERCIAL AGENCY,
Loando, October 8, 1858.

I, John G. Willis, United States commercial agent for this port do hereby certify that the above affidavit was taken in my presence.

In testimony whereof, I hereunto set my signature and seal of office the day and date above named.

JOHN G. WILLIS.

Mr. Cass to Mr. Miles.

DEPARTMENT OF STATE,
Washington, December 23, 1858.

SIR: I have the honor to acknowledge the receipt of your communication of the 19th instant, relative to the case of the schooner "Lydia Gibbs," and to state, in reply, that no official or other authentic information touching the seizure of that vessel on the coast of Africa has reached this department beyond that which accompanied your letter. There shall now, however, be no delay in bringing the case to the notice of the British government, with a view to found thereon a claim for indemnification, whenever evidence in support of such a claim shall have been presented to the department.

I have the honor to be, sir, your very obedient servant,

LEWIS CASS.

Hon. WILLIAM PORCHER MILES,
Of the House of Representatives.

Mr. Helm to Mr. Cass.

No. 54.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, December 27, 1858.

SIR: I have the honor to inform you that on Monday the 20th instant the bark J. J. Cobb, of New York, J. S. Vent master, sailed

for the coast of Africa. She was cleared at the custom-house here on the 16th instant. After having had two officers on board, from the time she commenced taking in cargo until she sailed, who were instructed by this government to examine the cargo as it went into the vessel, who reported, as I am informed, that the cargo was identically such as was represented in the manifest. After the vessel was cleared, his excellency the captain general informed me in a note dated 17th instant that for several days past the government had information that the vessel had been sold and was intended for the African slave trade, giving as the reason for such belief that the captain and crew had been changed; to this note of his excellency I replied that the captain had been changed with the consent of Messrs. Mora, Alfonso & Co., the consignees of the vessel, on the 7th instant. That the crew were entitled by law to their discharge, in consequence of a deviation in the voyage, for which reason I discharged them with extra wages; that the new crew was shipped in the usual manner, and furnished partly by the shipping master and partly from seamen who had been discharged from other vessels by my orders; that therefore these changes of commander and crew did not, unconnected with other facts, furnish sufficient evidence of an intention to engage in the slave trade to justify a detention of the vessel by me; that if the vessel had been sold as stated, *that* was good and sufficient cause to refuse a clearance, and requested his excellency to furnish me with any evidence in his possession of any such secret sale. To this note his excellency replied that the government had no legal proof of such sale, but intimates, in strong terms, that he believes that the bark had been sold, and places a construction upon my note which the language did not justify. Upon the receipt of this second note of his excellency I called the parties interested in the bark before me, and after personal assevera-tions that the "J. J. Cobb" was chartered for a legal voyage, and would not be engaged directly or indirectly in the slave trade, I took the affidavit of the master and the written assurance of Messrs. Hamel & Co., and of Mr. Gonzales Goicouria, agent of Messrs. Mora, Alfonso & Co., to that fact, as well as to the fact that she had not been sold secretly or otherwise; I then decided to give the vessel her papers and permit her to go to sea. A record of these several notes and documents, together with my subsequent note to his excellency the captain general, informing him of the result of my investigation, but intended more especially to correct his misinterpretation of my former note, is herewith enclosed, in the order in which they should be read, and to which the attention of the department is particularly requested.

In the absence of any instruction from the department in reference to the power of a consul to detain vessels suspected as being fitted out for the slave trade at the several ports of this island, or of the proof necessary to justify such detention, or of his duties and powers touching such vessels and their crews after such detention, and of the total absence of any the slightest intimation from the department as to what is expected from the consul in any case which may arise, constant embarrassments are met with, which are not relieved by the several enactments of Congress for the suppression of the slave trade. The law is very full, and meets every possible case where the vessel has

been fitted out in any of the ports of the United States, or where vessels are detected in transporting negroes from one foreign port to another, or from a foreign port to any of the ports of the United States; but is silent as to their being fitted out or equipped in a foreign port for this illegal traffic, or of the duties of consuls touching the subject.

Though willing to assume any responsibility in the performance of my duties, yet it strikes me as important, in view of the very serious questions which may grow out of the construction of treaty stipulations and of national obligations as affecting this subject, that there should be some general rules established by the department, or by the Attorney General, for the guidance of consuls in this island; and I have very respectfully to request that such instruction be given as will enable me to comprehend the views and wishes of the government in reference to my future action in the premises.

I have the honor to be, with great respect, your obedient servant,

C. J. HELM,
Consul General.

Hon. LEWIS CASS,
Secretary of State, Washington.

OFFICE OF THE GOVERNOR, CAPTAIN GENERAL, AND SUPERINTENDENT OF THE EXCHEQUER OF THE EVER-FAITHFUL ISLAND OF CUBA.

This government had information for several days past that the ship "J. J. Cobb," which came consigned to Messrs. Mora & Alfonso, and having been sold, is now despatched by Mr. Hamel for the coast of Africa, was destined for the illicit traffic in slaves.

This afternoon, after having been cleared by the custom-house without any opposition, as she had complied with all legal formalities, the said ship Cobb has suddenly changed her crew, as she had already changed her commander, and shipped several seamen of different nations, and amongst them deserters from other vessels.

This confirms the suspicions the government had of the ship aforesaid being intended for the slave trade; and not considering myself authorized to detain her for want of cause and legal evidence, yet it has appeared to me proper to give you this advice, for in case you should, in conformity to such instructions as you may have from your government, deem it expedient to proceed in any manner against the said ship, in the understanding that the captain of the port awaits your advice to either despatch or detain her.

God preserve you many years.

HAVANA, *December* 17, 1858.

JOSÉ DE LA CONCHA.

The CONSUL GENERAL
of the United States in this place.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, December 18, 1858.

SIR: I have the honor to acknowledge the receipt this morning of your note of last evening, in which you inform me that the bark J. J. Cobb has been cleared at the custom-house of this port for the coast of Africa; having complied with all legal formalities, but for reasons given in your communication, she is suspected of being destined for illicit traffic in slaves.

This consulate has been in possession, since the 7th instant, of all the reasons your excellency gives for the suspicion, *except the sale of the vessel.* On the 7th instant Captain Peterson, being desirous to return to the United States, with the consent of Messrs. Mora, Alfonso & Co., then the consignees of the vessel, applied at this consulate to be relieved of the command, and to have J. S. Vent appointed master, which was done. The crew having been shipped in the United States for port or ports in Cuba, and to return to the United States, were by law entitled, upon a deviation in the voyage, to their discharge, and were by my direction paid off with extra wages. The new crew was furnished partly by the shipping master of this port, and partly from seamen who had been discharged by my orders. There is, therefore, nothing in the manner of the discharge of the old or of the shipping of the new crew which, of itself, could create suspicion.

If the vessel has been sold, as you state, *that* is good and sufficient cause to refuse a clearance to the bark. However, the captain has exhibited to me the charter-party under which he prosecutes the voyage, and positively denies any sale of the vessel, directly or indirectly. If your excellency has any evidence of any secret sale, I will thank you to communicate the facts to me at your very earliest convenience, as in all else the parties interested in this vessel have complied strictly with all legal formalities, and the cargo on board seems to be one of legitimate traffic. Notwithstanding I have had suspicion that the voyage might turn out to be unlawful, yet the suspicion is not founded upon facts or evidence sufficient to authorize me to detain her, unless the information your excellency may be pleased to communicate on the subject of any sale of said vessel at this port may furnish such sufficient reason.

I have the honor to be, very respectfully, your excellency's obedient servant,

CHARLES J. HELM.

His Excellency Sor Don JOSÉ DE LA CONCHA,
Governor, Captain General of Cuba, &c., &c., &c.

OFFICE OF THE GOVERNOR, CAPTAIN GENERAL, &C., &C., &C.

I have duly noted your communication wherein you state to me that only in the event of possessing legal evidence of the sale here of the ship *Cobb* you could prevent her departure.

This government has no legal proof of that fact, because her owners are in New York, and it is not possible to prove if the authority granted to her commander was for selling or for making a charter, as appears.

Therefore, although there is a confirmation of the advices as to the true object of the voyage of this vessel for the slave trade, and of the secret sale of the ship in the manner that are usually made, these contracts with foreign vessels paying in cash the total amount agreed upon for the purchase of the vessel which is considered already lost, after a slaving expedition has been accomplished; and notwithstanding that even the sum which was paid here for the ship Cobb is named, yet as there do not exist legal proofs of such a sale, I well understand that you cannot prevent the departure of the vessel, and she may effect it so soon as you may be pleased to give the requisite advice to the captain of this port.

God preserve you many years.

HAVANA, *December* 18, 1858.

JOSÉ DE LA CONCHA.

The CONSUL GENERAL *of the United States.*

After this, the vessel being detained, the interested parties were summoned to the consulate, and declared that the vessel had not been sold and was not intended to be engaged in any illegal traffic.

The following is a copy of the affidavit of the captain:

CONSULATE GENERAL OF THE UNITED STATES, HAVANA.

I, John S. Vent, the present master of the bark J. J. Cobb, of New York, lying in the port of Havana, solemnly swear that the said bark has not, to my knowledge and belief, been sold secretly or otherwise; that she has been chartered for a lawful voyage with a lawful cargo, to proceed to the coast of Africa, and from thence to the United States; and that I do not intend to use the said vessel under the said charter, or during the said voyage, in the slave trade.

J. S. VENT.

I do hereby certify that on the day of the date hereof personally came and appeared John S. Vent, to me known as the person he represents himself to be, who subscribed the foregoing affidavit in my presence and made oath to the truth thereof.

Given under my hand and official seal, at Havana, the 20th day of December, 1858.

CHARLES J. HELM,
United States Consul General.

HAVANA, *December* 7, 1858.

DEAR SIR: We have the pleasure to state, that we are aware that Captain Peterson, of the American bark J. J. Cobb, is authorized by

ıe owners to place another captain in his place, should he not be wilng to continue her command.

We are, respectfully, yours, consignees of the vessel,

MORA, ALFONSO & CO.

C. J. HELM, Esq.,
United States Consul at the Port of Havana.

Memorandum.—J. S. Vent was the person proposed by Captain Peerson, with the knowledge of Messrs. Mora, Alfonso & Co.; he was ccordingly placed in command of the J. J. Cobb.

The following are copies of the written assurances of the first and last consignees of the bark J. J. Cobb, in Havana:

HAVANA, *December* 20, 1858.

SIR: Messrs. Mora, Alfonso & Co., being absent at present, I, as director of said house, beg to inform you that hearing Mr. Hamel express the detention you have effected on the American bark J. J. Cobb for clearance, on account of having heard some reports circulated that said vessel has been secretly sold, I can assure you that such is not the case; the J. J. Cobb has only been chartered to John Laffitte for a legal voyage to the African territory.

I am, very respectfully, your obedient servant,

GONZALES DE GOICOURIA.

C. J. HELM, Esq.,
Consul General of the United States at Havana.

HAVANA, *December* 20, 1858.

DEAR SIR: Having been informed that a report is in circulation that the American bark J. J. Cobb has been secretly sold with my intervention, I deem it proper to assure you that such is not the case, and that I have chartered said vessel, by order of Mr. John Laffitte, for a lawful voyage to the coast of Africa. I would further state that I have attended to the loading of said vessel, and that she has none but lawful merchandise on board; also that all her cargo was examined by the Spanish authorities.

I remain, dear sir, very respectfully, your obedient servant,

J. B. HAMEL.

CHARLES J. HELM, Esq.,
Consul General of the United States at Havana.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, December 15, 1858.

GENTLEMEN: Your letter of the 7th instant, in which you represent yourselves as the consignees of the bark J. J. Cobb, of New York, and

in which you request me to appoint another master in lieu of Capt Peterson, is before me. This letter was brought to me by Capt Peterson, with the request that J. S. Vent, who accompanied hi should be placed in command, which was accordingly done.

The bark J. J. Cobb is owned, as evidenced by the register, by J A. Mora, of New York, who is a partner of your house, as I have be informed by Captain Peterson and others. Captain Vent proposes to-morrow to clear the bark for the coast of Africa on a legal tradi voyage; and while I do not intend by this note to convey a doubt to the intention of the captain, I must, before clearing your vessel f the coast of Africa, require from you a written assurance that the vo age she is about to prosecute is to be legal, and that she is not fitt out for, and will not during her present voyage be engaged, direct or indirectly, in the slave trade.

I am, gentlemen, very respectfully, your obedient servant,

CHARLES J. HELM.

Messrs. MORA, ALFONSO & Co., *Merchants—Present.*

Memorandum.—To the foregoing, Messrs. Mora, Alphonso & C replied, in substance, that the vessel J. J. Cobb had not been sold; h been chartered for a legal voyage; that José A. Mora, the owner the bark, was not a partner in their house; that any further inform tion desired by the consulate in reference to the intended voyage cou be obtained from Messrs. Hamel & Co., who are the agents of the part to whom the J. J. Cobb had been chartered.

A similar letter to the one above copied was addressed to Messrs Hamel & Co., who replied, in substance, that the vessel had been char tered to A. Laffitte, for whom they acted as agents; that in all re spects the voyage was to be legal.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, December 22, 1858.

SIR: I have the honor to acknowledge the receipt on the 18th in stant of your communication of that date on the subject of the clear ance of the bark "J. J. Cobb."

Your excellency is under a misapprehension in supposing that said, or intended to convey the idea, in my note of that morning tha only in the event of possessing legal evidence of the sale here of th ship I could prevent her departure. I said that the change of th captain and crew of itself did not create suspicion; but evidence of secret sale would warrant me in detaining the vessel; and I have th honor to say that evidence in any shape sufficient to justify the belie that an American vessel has been chartered for, or is about to b engaged in, unlawful trade, will warrant me in detaining her unti satisfied that her voyage is to be legal. A mere doubt is not regarde as sufficient cause for a detention which must of necessity result i great loss to the owners of the vessel detained.

Upon the receipt of your second note I detained the ship "J. J Cobb," and upon investigation, Messrs. Mora, Alfonso & Co., an

Messrs. Hamel & Co., two commercial houses of the highest respectability, (as I am informed,) state in writing that the ship has not been sold, and that she has been chartered for a legal voyage to the coast of Africa, and will not be engaged, directly or indirectly, in the slave trade; and the captain, who is her present commander, made oath to the same facts. The vessel having been cleared at your custom-house, the cargo on board is presumed to be in all respects legal. Therefore, on Monday morning, 20th instant, I directed the papers of the vessel to be delivered to the master, and she has gone to sea.

I am, with great respect, your excellency's obedient servant,

C. J. HELM.

His Excellency Sr. Don José de la Concha,
Governor, Captain General of Cuba, &c.

Mr. Cass to Mr. Dallas.

No. 145.] Department of State,
Washington, December 28, 1858.

Sir: I herewith transmit to you an authenticated copy of a communication of the 19th instant, addressed to this department by the Hon. William Porcher Miles, of the House of Representatives, from South Carolina. It relates to the case of the schooner "Lydia Gibbs," Watson master, which vessel, it is alleged, was seized on the coast of Africa by Captain Close, of her Britannic Majesty's cruiser "Trident," in the month of May last. It will be seen from Mr. Miles's letter that some demand should be made upon the British government for an account of the transaction, and I have, accordingly, to request that you will lose no time in carrying out his wishes on the subject, by calling the attention of her Majesty's government to the case, and asking to be furnished with the particulars of it.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

George M. Dallas, Esq., *&c., &c., &c.*

[For the enclosure referred to, look in its chronological order in this report.]

Mr. Cass to Mr. Black.

Department of State,
Washington, January 8, 1859.

Sir: I have the honor to transmit herewith for your perusal a despatch No. 54,* received from the United States consul at Havana; and I beg leave to invite your attention to the remarks of the consul

* See this despatch in its chronological order.

general upon the absence of any provisions of law, or of inst
in reference to the power of a consul in foreign ports, to detair
suspected of being fitted out for the slave trade, or the proo
sary to justify such detention, or of the duties and powers o
sul touching such vessels and their crews after such detent
should be pleased to receive from you any suggestions which
the department in establishing some general rules for the guic
American consuls, especially in Cuban ports.

I am, sir, your obedient servant,

LEWIS C

Hon. J. A. BLACK, *Attorney General.*

Mr. Pickett to Mr. Cass.

WASHINGTON, *January* 20,

SIR: I beg leave to enclose herewith certain papers receiv
Mr. A. Cabarga, of Havana, relating to the seizure of 526 l
ounces—$8,416—(his property) on board the ketch "Brothe
the commander of the sloop-of-war "Marion." My object in s
ing you is simply to ascertain, if possible, whether any evide
been adduced tending to convict the ketch "Brothers" of havi
engaged in an unlawful voyage; and if not, to reclaim the p
of my client. And, although the vessel may be condemned
feited as a slaver, I submit whether the papers herewith do no
pate Mr. Cabarga from any complicity of illegality, and whe
the event of any doubt, he is not entitled to the speedy benefi
same.

An early answer and return of papers* enclosed will
oblige

Your most respectful obedient servant,

J. Y. PICK

Hon. LEWIS CASS,
Secretary of State, Washington, D. C.

Mr. Appleton to Mr. Pickett.

DEPARTMENT OF STA
Washington, July 22,

SIR: I have to acknowledge the receipt of your communic
the 20th instant, enclosing certain papers received from
Cabarga, of Havana, relating to the ketch Brothers.

In reply to your inquiries respecting that vessel, I have to
you that the department has transmitted to the Solicitor
Treasury such papers as it has received, containing informa
specting the suspicious character of the Brothers. It may be
to state, however, that the department was apprised by the la

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* Papers returned to Mr. Pickett.

consul general at Havana that "whatever suspicions he might entertain in respect to the Brothers, and to the object of her voyage, and he must say it was strong, he could not, however, for want of evidence, prevent her from proceeding to sea."

I beg leave to state, further, in reference to the inquiries in your letter, "whether the papers," enclosed therein, "do not exculpate Mr. Cabarga from any complicity of illegality, and whether, in the event of any doubt, he is not entitled to the speedy benefit of the same," that these suggestions may with propriety be addressed to the attention of the judicial officers who may have cognizance and direction of the case.

Agreeably to your request, the papers are herewith returned.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Willis to Mr. Cass.

[Extract.]

ST. PAUL DE LOANDO, *January* 26, 1859.

SIR: Since the capture and burning of the brig "Rufus Soulé," off the Congo, by her Britannic Majesty's steamer "Viper," in October last, a statement of which was given to Captain Totten, of the United States steamer "Vincennes," I have heard of four or five shipments being made, the last one a few days since, in which one thousand slaves were placed on board one vessel. The "trade" has now gone, in part, from the Congo river to the north of that river. Owing to the French apprentice system slaves are rather scarce, and the price has advanced. It is said there are a number of vessels off the coast waiting for their consignees to arrange a cargo. * * * * * *

It is the wish of the governor general of this province to take possession of the river Congo; but I understand the English government will not allow them to go north of Ambriz. If Portugal should take that river, there will be no more slave trade there, and perhaps England may, in time, change her views in this respect, as it will save her considerable expense in keeping up the African squadron.

Very respectfully, your obedient servant,

JOHN G. WILLIS,
United States Commercial Agent.

Mr. Appleton to Mr. Sedgwick.

DEPARTMENT OF STATE,
Washington, January 31, 1859.

SIR: Your letter addressed to the Solicitor of the Treasury, respecting the detention of two witnesses sent from Havana to testify in the case of the "C. Perkins," has been referred to this department.

In reply, I have to inform you that the consul general has been instructed to communicate with you upon the subject immediately, and acquaint you with the state of the proceedings in that case.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Appleton to Mr. Helm.

DEPARTMENT OF STATE,
Washington, January 31, 1859.

SIR: I transmit herewith a copy of a letter of the United States district attorney in New York, respecting the detention of two witnesses who were sent to that port by the late United States vice-consul general.

I will thank you to inform me whether there is any necessity for a longer detention of the witnesses, and also what proceedings have taken place touching the "C. Perkins."

You will please communicate, also, upon the subject with the United States attorney at New York.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Dallas to Mr. Cass.

[Extract.]

No. 151.] LEGATION OF THE UNITED STATES,
London, February 4, 1859.

SIR: Your Nos. 145, 146, and 147, have been received.

The first of these, dated the 28th of December, 1858, relates to the case of the schooner "Lydia Gibbs," Watson master, captured off the coast of Africa by the British armed cruiser "Trident," about which the Hon. William Porcher Miles, of the House of Representatives, addressed a communication to the department. I transmit the copy of a note written by me to the Earl of Malmesbury on this subject, which will fully disclose to Mr. Miles the actual state of the complaint. His lordship's reply will be sent as soon as received, though it can hardly consist, as yet, of more than informing me of his having referred the matter to the lords commissioners of the admiralty for further investigation.

* * * * * * * * *

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

LEGATION OF THE UNITED STATES,
London, January 31, 1859.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor, by special direction from his government, to submit to the consideration of the Earl of Malmesbury, her Majesty's principal secretary of state for foreign affairs, a series of papers, being copies duly authenticated under the seal of the Department of State at Washington on the 5th instant, respecting the capture of the American schooner "Lydia Gibbs," Thomas Watson master, by one of her Majesty's armed cruisers off the coast of Africa.

The undersigned, at the instance of the consul of the United States for Liverpool, and with a view to relieve, if possible, the solicitudes of the family and friends of Captain Watson, had the honor to address, on the 13th of December last, a note of inquiry on this subject to the Earl of Malmesbury, and his lordship was good enough, in a reply of the 21st of December, to state that "the lords commissioners of the admiralty had been unable to furnish any information respecting the 'Lydia Gibbs' and her crew, further than that the vessel in question was captured on the 29th of May last, off Whydah, by her Majesty's ship 'Trident,' without colors or papers and fully equipped for the slave trade, and that she was sent for adjudication to Sierra Leone, where she was condemned in the vice admiralty court on the 14th of July last."

In laying before the Earl of Malmesbury the papers now presented, the undersigned cannot avoid briefly adverting to certain facts deducible from them in regard to the "Lydia Gibbs," which he trusts may present to her Majesty's government motive and occasion for an investigation more perfect than has heretofore been made.

1. The "Lydia Gibbs" arrived at Whydah on the 22d May, 1858, where, discharging a portion of her cargo, she remained till 29th May, her captain and Commander Close being known to each other, and having some degree of social intercourse. She had left Charleston about 20th January, and Havana about 9th March preceding.

2. The "Lydia Gibbs" *had* "colors and papers" attesting her American character: the flag of the United States, the register, the shipping articles, the list of the crew, the invoice of cargo of one hundred and fifty pipes of rum and of stores, the consular certificates—all genuine and satisfactory.

3. The "Lydia Gibbs" had given by her course of proceeding no ground to suspect her being engaged in the illicit traffic; not an article of her cargo or equipment was of questionable character; and the certificate of Commander Close himself, left at the time of capture, asserts his only object of search to have been "to *ascertain* whether she is engaged in the slave trade *under false colors.*"

4. Captain Watson refused to exhibit the schooner's papers at the demand of Commander Close; he had previously stated his reason for doing so to that officer; and when she was finally seized, he left his vessel, went, as would seem, to Whydah on the 30th of May, was attacked by the yellow fever, and died on the 15th of July. The fate of the "Lydia Gibbs" was equally expeditious; she was taken to

Sierra Leone, a considerable distance from Whydah, libelled in the vice admiralty court there, and condemned, solely for the non-production of papers then far away in the hands of her dying master.

The undersigned will await the result of any further inquiry into this painful case which her Majesty's government may direct; not doubting that when the particulars shall be fully developed, every readiness will exist to disclaim and redress whatever wrong may be found to have been inflicted.

He begs the Earl of Malmesbury to accept the renewed assurance of his most distinguished consideration.

G. M. DALLAS.

The Right Honorable the EARL OF MALMESBURY, *&c., &c., &c.*

Mr. Helm to Mr. Appleton.

No. 3] CONSULATE GENERAL OF THE UNITED STATES,
Havana, February 28, 1859.

SIR: I have the honor to acknowledge the receipt of your despatch, dated 31st ultimo, on the subject of the two witnesses who were sent to New York in July last by my predecessor, with the view of prosecuting the owners of the brig "C. Perkins" for a forfeiture of their bond.

The investigation is still pending in the courts here, and the impression is that the "C. Perkins" will be condemned as a slaver, but how long before a final judgment or decree is rendered in the cause it is impossible to say or learn; and as there are no parties interested in pressing the cause, it will probably be many months before a decision is given by the court. I am, therefore, of opinion that it would be as well to release the witnesses as detain them on so great an uncertainty.

I am, sir, with great respect, your obedient servant,

CH. J. HELM.

Hon: JOHN APPLETON,
Assistant Secretary of State, Washington City.

Mr. Dallas to Mr. Cass.

No. 162.] LEGATION OF THE UNITED STATES,
London, March 3, 1859.

SIR: I have the honor to transmit herewith copies of the notes which passed between the Earl of Malmesbury and myself, respecting the detention and visit of the American brig "Anglo Saxon" by the British war steamer "Archer," which constituted the subject of your No. 151.

he opinion of Lord Malmesbury, the suspicious conduct and ance of the "Anglo Saxon," as narrated in the report of Capnderson, led to her being detained and visited. The features made her obnoxious to these suspicions are not enumerated, the delay in hoisting her flag, and when hoisting it the execuf the "uncommon proceeding for an American vessel" of g it three times be regarded as such. Nothing beyond this is ted; and perhaps it would have been quite as well that Capnderson had reported himself to have acted upon his own mere n as to have adverted to incidents in themselves so perfectly ess and insignificant. If excusatory "suspicion" that a vessel ling in slaves can be predicated of matters like these, no end to rveillance and interruption of our commerce on the African need be anticipated.

under secretary of state, Mr. S. Fitzgerald, upon being quesin the House of Commons two days ago, stated that the entire pondence of recent years between the two governments, on the t of visitation and search, would be laid upon the table very y. I will hasten to send you the Blue Book as soon as it can be ed. In the meanwhile permit me to inquire whether it be the f the President that the case of the "Anglo Saxon," unaccoml by aggravation, should be allowed to rest, at least for the t.

ave the honor to be, sir, your most obedient servant,

G. M. DALLAS.

n. Lewis Cass,
Secretary of State.

Legation of the United States,
London, February 20, 1859.

Lord: Agreeably to instructions from my government, I have nor to request your lordship's consideration of the accompanyapers, being copies of authenticated documents in the Departof State at Washington.

se papers contain a short but precise account of the manner in the American brig "Anglo Saxon," engaged in ordinary trade able to no suspicion whatever of illicit traffic, was on her voyage wards from the coast of Africa, as late as the month of October verhauled, brought to by the firing of a gun, arrested, visited, ned, and detained for one hour and thirty-eight minutes by her ty's war steamer "Archer," sailing with the United States flag peak.

s not supposed that this proceeding of the commander of the ner" was authorized or will be approved; but, in the absence circumstance of extenuation or explanation, your lordship will, onfidently believed, readily acquiesce in the justice of the Presis desire that it may undergo inquiry by the lords commissioners admiralty, with a view to the adoption of such measures by her

Majesty's government as will prevent the occurrence of similar acts hereafter.

I renew to your lordship the assurance of my highest consideration, and have the honor to be, my lord, your lordship's most obedient, humble servant,

G. M. DALLAS.

The Right Hon. THE EARL OF MALMESBURY, *&c., &c.*

FOREIGN OFFICE,
February 26, 1859.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, stating that you have been instructed by your government to request the consideration of her Majesty's government to papers which you enclose, and which you allege "contain a short but precise account of the manner in which the American brig 'Anglo Saxon,' engaged in ordinary trade and liable to no suspicion whatever of illicit traffic, was on her voyage homewards from the coast of Africa, as late as the month of October last, overhauled, brought-to by the firing of a gun, arrested, visited, examined, and detained for one hour and thirty-eight minutes, by her Majesty's war steamer 'Archer,' sailing with the United States flag at the peak."

Her Majesty's government have already received from the captain of the "Archer" an account which gives a very different version of this matter, but which I cannot doubt that the United States government, equally with that of her Majesty, will hold to be entitled to credit.

A copy of the captain's report was forwarded on the 14th ultimo to Lord Napier, who will probably have communicated it to General Cass, but I enclose a copy to you with the request that you will make it known to your government, who will thereby see that the suspicious conduct and appearance of the "Anglo Saxon," which vessel is stated to have evinced no intention of hoisting any colors until a blank gun was fired to enforce it, led to the proceedings detailed by Captain Anderson.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

G. M. DALLAS, *&c., &c., &c.*

HER MAJESTY'S SHIP "ARCHER,"
November, 1858.

SIR: I have the honor to inform you that at noon of the 26th October, in latitude 14° north and 19° west longitude, I observed a taut and rakish looking brig on the port bow, standing to the westward. I immediately hauled to the wind to close, and hoisted my

colors at the same time. At 12.30 I passed about a mile to leeward of her, and as she evinced no intention of hoisting any colors, I fired a blank gun to enforce it; she then showed an American ensign, and dipped it three times, a proceeding rather uncommon on the part of an American vessel. When in her wake I tacked, upon which she immediately hove-to. At about 1.15 p. m., on passing to windward and ahead of her, I detached the cutter, with Lieutenant Knowles and a midshipman, with instructions to examine her papers only to ascertain her nationality, but to take no further steps without communicating with me. On the boat's return, Lieutenant Knowles reported her to be the "Anglo-Saxon," of Boston, two days from Goree, previously from Bathurst and the Gambia, her papers apparently correct, with the exception of the clearance from Bathurst not dated. The person in charge stated that the captain and mate had died at Bathurst; she had a few hides, a little ivory, and palm-oil on board—he said he hardly quite knew what, but he was going to take it to the Cape de Verdes, and from thence intended proceeding to the United States. Lieutenant Knowles also reported her to have a darkened binnacle, such as are in common use on board slavers. He offered, before leaving, to note in the vessel's log the particulars of his visit, which the person in charge declined, saying he would do so himself. As she was under American colors, and I did not think there was sufficient ground for detaining her, I allowed her to proceed. I may here remark, there was no detention on our part, as she hove-to voluntarily, which the boarding officer explained to them.

I have, &c.,

T. S. ANDERSON, *Captain.*

The SECRETARY *to the Admiralty.*

Mr. Appleton to Mr. Sedgwick.

DEPARTMENT OF STATE,
Washington, March 8, 1859.

SIR: Referring to your communication respecting the detention of certain witnesses in New York, who were sent from Havana with a view to testify in the case of the owners of the "C. Perkins," I have now to acquaint you that the investigation is still pending in Havana. As it will probably be many months before a decision is given by the court, the consul general is of opinion that it would be as well to release the witnesses as to detain them longer on so great an uncertainty. A copy of Mr. Helm's despatch No. 3 is herewith transmitted.

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Mr. Helm to Mr. Cass.

No. 5.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, March 15, 1859.

SIR: I have the honor to enclose herewith a copy of the protest entered of record in this consulate general, at the request of Captain John Williams, master of the American brig "Nancy," against the Spanish government, claiming damage for the detention of his vessel, and the imprisonment of himself and crew by the authorities here; also a copy of the survey had upon the brig "Nancy" on the day she was delivered to the master, together with a copy of the correspondence between this consulate general and his excellency the captain general, not heretofore forwarded, on the subject of the detention of said vessel.

I have the honor to be, with great respect, your obedient servant,
CH. J. HELM.

Hon. LEWIS CASS,
Secretary of State, Washington.

No. 1.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA AT HAVANA, ISLAND OF CUBA.

By this public instrument of protest, be it known and made manifest to all whom it doth, may, or shall concern: That on the day of the date hereof, before me, Charles J. Helm, consul general of the United States of America, at the city of Havana and the dependencies thereof, (Island of Cuba,) personally came and appeared John Williams, master of the brig "Nancy," of and belonging to the port of New Orleans, in the United States of America, of the burden of 219$\frac{3}{95}$ tons, now lying in the port of Havana; said appearer being by me sworn on the Holy Evangelists of Almighty God, did depose, declare and say: That the said Brig "Nancy," under his command, arrived at this port of Havana from New Orleans, with a general or assorted cargo, on the 4th day of July, 1858; on the 14th day of July had discharged the cargo, and on that day entered into a charter-party with one Don Ramon de Gueredíaga, to take on board at this port a legal cargo of merchandise and proceed with the same to Rio Lagos, on the coast of Africa, and delivering the cargo at the coast of Africa, to take on board a cargo of oils, &c., and then proceed to New York, where and when upon the delivery of the cargo the contract or charter was to expire; that the charterer agreed to pay him for such service as follows: seven thousand five hundred dollars; twenty-five hundred dollars to be paid before the departure of the vessel from Havana, and the balance on her return to New York, provided she is not detained on the coast over

e months time, in which event the charterer was to pay forty-five ars per day demurrage for the excess of time over the said three ıths; that he commenced to receive and take on board, in good h, such cargo, consisting, as he then and now believes, of lawful chandise; that on the 16th day of July three custom-house officers e on board and examined the cargo which had then been received, placed him under arrest; that on the next day, Sunday, the 17th July, at 6 o'clock p. m., he, his officers, and crew were seized forcibly taken to, and incarcerated in, the Tacon prison, and ed in rooms appropriated to the use of a hospital for the chain- g and other low criminals, whites, blacks, and Chinese, where was kept, to his great injury and mortification, in a loathsome ɔted prison, with vile associates, until the 27th day of the same ıth, without any just cause, when he was released from prison and ed at the disposal of the acting consul general, Mr. Savage, with understanding that he should appear in court whenever wanted; he was therefore compelled to give his word of honor not to leave city of Havana until discharged by the court; that the officers crew, seven persons in all, were released on the 7th day of August, their own recognizance; that he was informed by the authorities t packages had been received by him for which permits had not n received from the custom-house; that he then, and now, answers insists that it is not, and had not been, the custom at this port, he is advised, for the master of a vessel receiving cargo to open any kage, but to take a memorandum of the numbers and marks, and ıen ready for sea to present this to the custom-house for clearance; ıt he intended to do this, and never did, as he believes, and cer- nly never intended to, violate any law, rule, or custom of the port; t the merchant shipper is, and of right ought to be, responsible t the cargo sent for shipment has undergone all the formalities; in this case such of the goods as were sent to him without the ıl or necessary permits (which permits are never exhibited to the ter of a vessel, but kept by the consignee or charterer until the of clearance, and then exhibited at the custom-house) were seized confiscated, by which the law was, or ought to have been, satisfied; notwithstanding all this, officers placed on board of said brig at time he was sent to prison have held possession of her until this e; that he and his officers and crew have been kept and detained this unhealthy and expensive city from the 16th day of July, 1858, the date hereof, being six months and fifteen days; that during ıt time the board of himself and crew alone has amounted to about o thousand dollars; that the wages of his crew, which he has had pay, has amounted to about twelve hundred dollars; that the dis- sements of the brig up to the time he was sent to prison amounted ive hundred and sixty-four dollars and twenty-two cents; that he informed by the court or general of marines, on the 30th instant, he and his crew were discharged, and that the brig Nancy was to elivered to him in the same condition that she was, in every re- t, when taken by the Spanish authorities; that he proceeded on d of the "Nancy" with a competent board of surveyors, ap- ted by Charles J. Helm, consul general of the United States at

this city; that the vessel was found to be injured in hull, masts, sails rigging, tackle, furniture, and, in truth, all of her appointments by being kept lying in this harbor for so great a length of time, without any care or attention, exposed to rain and a tropical sun; the consul general appointed as surveyors Francisco Villar, a Spanish citizen and inspector for the Spanish insurance companies at Havana, Francisco Requeijo, a Spanish shipwright, who is usually appointed on all surveys, and Josiah French, an American shipmaster of high respectability; that these gentlemen report as follows, in substance: "Owing to her long detention in port, we recommend that she be heaved down, her bottom cleaned, caulked all over inside and out, and her standing rigging, being so much decayed by exposure and want of care, taken off; we consider that the whole of it is unfit for service, and consequently recommend that it be replaced by new. Her running rigging also requires to be, if not all, mostly renewed. Her sails we find in a very bad state, and consider that they should be replaced with others. Her cabin requires a thorough overhauling, and also the whole of her top works, bulwarks, monkey-rail, deckhouse, boat, &c. Her spars we also find in a measure damaged, and require to be examined in order to ascertain if they can be made serviceable; all of which we think should be done to this vessel before she can be pronounced seaworthy."

The appearer further says that, in addition to the wrongs and injuries above specified, that the vessel has deteriorated at least half in value by reason of the wrongful detention by the Spanish authorities, as aforesaid; that great loss has resulted to the owners of the vessel by such detention, which has deprived them of the use of the ship during all said period; that his own salary for the time has also been lost to them; that the difficulty in raising funds necessary to pay the absolute expenses of this appearer and his crew have been augmented by reason of such wrongful seizure of his vessel; that now the repairs necessary to make the vessel seaworthy will require at least one month longer, which carries with it a proportional expense to that above stated; that all the spare rigging, provisions, and stores placed on board for a long voyage have been taken from her during the time she has been in possession of the Spanish authorities; that the clothes and effects of a part of his crew, of great value to them, have been taken.

The appearer further declares that he never did, and never intended to, violate any law or custom of this port, and insists that the unconditional release of himself, his vessel, and crew by the Spanish court is of itself evidence of such wrongful imprisonment of appearer and his crew, and of the seizure of his said vessel. He further insists that the time he has been detained at this port, even though a wrong had been committed or intended, has been ten times as long as was necessary to make such investigation as was required by the Spanish law. In view of the foregoing, this appearer cannot but regard the action of the Spanish government at Havana as unjust, wrong, and oppressive, and as a violation of law and the comity of nations, and as responsible for all the great damage to himself by reason of a wrongful imprisonment, and reponsible to his crew, who were alike innocent, and as he insists, responsible to the owner of the brig "Nancy," Marcu

ch, esq., of New Orleans, for all the damage and injury
ained by reason of the wrongful detention of the said brig,
l.

refore the said John Williams, master of the said brig
acting for himself, for the crew, and for the owner of said
or all concerned in and about the said brig, declares to pro-
these presents he does protest, against the government of
does declare that all damages, losses, and detriments that
ned or shall hereafter happen or occur to the said appearer,
r to the owner of the said brig "Nancy" aforesaid, and to
very person concerned in and about the said brig, by reason
se imprisonment and wrongful detention of said brig, as
d and described, are and ought to be borne by the said
t of Spain, or whomsoever else it may or shall concern, the
ses, losses, and detriments having been caused by the acts
nts or officers of said Spanish government in the city and
vana, and not otherwise.

h matters and things are declared, alleged, and affirmed
the said consul general; and therefore I hereunto set my
affix the seal of my office at Havana, being requested to
testify this protest.

ne and protested at the city of Havana, this 31st day of
nuary, A. D. 1859.

CHARLES J. HELM,
United States Consul General.
JOHN WILLIAMS.

No. 2.

HAVANA, *January* 31, 1859.

e brig Nancy, of New Orleans, which has been detained by
n authorities in this port for several months, being about
ned by them to me, the commander thereof, I respectfully
you to call a survey upon the said brig, in order to ascer-
resent condition, and what may be best to be done in the
r the interests of the parties concerned.

ully, your obedient servant,

JOHN WILLIAMS, *Master.*

J. HELM, Esq.,
ted States Consul General, present.

GENERAL OF THE UNITED STATES OF AMERICA, HAVANA, ISLAND OF CUBA.

EN: Application having been made to this consulate gen-
hn Williams, master of the brig Nancy, of New Orleans,
den of 219$\frac{40}{95}$ tons, or thereabouts, for a survey upon the

said vessel, in consequence of her detention in this port since July last, you are hereby respectfully requested to repair alongside and on board of the said brig, and, after a careful and minute examination and survey of every visible part of her hull, spars, sails, and rigging, report to this consulate, under your own hands, in writing, her present state and condition, and what, in your opinion, had best be done for the interest of the parties concerned.

Given under my hand and the seal of this consulate general, at [L. S.] Havana, this 31st day of January, A. D. 1859.

CHARLES J. HELM,
United States Consul General.

Messrs. FRANCISCO VILLAR, JOSIAH FRENCH, and FRANCISCO REQUEIJO, *shipwright.*

HAVANA, *February* 3, 1859.

SIR: We, the undersigned, agreeably to your request, repaired on board of the American brig "Nancy," and, after a careful examination, report as follows:

Owing to her long detention in port, we recommend that this vessel should be heaved down, her bottom cleaned, caulked all over, inside and out, and her standing rigging, being so much decayed by exposure and want of care, taken off; we consider that the whole of it is unfit for service, and consequently recommend that it should be replaced with new. Her running rigging also requires to be, if not all, mostly renewed. Her sails we found in a very bad state, and consider that they should be replaced with others. Her cabin requires a thorough overhauling, and also the whole of her topwork, bulwarks, monkey-rail, deck houses, boat, &c. And her spars we also find in a measure damaged, and require to be with attention examined in order to ascertain if they can be made serviceable for the future; all of which we conscientiously consider must be done to this vessel before she can be pronounced to be seaworthy.

On our next report we will inform you more minutely on the subject.

FRANCISCO VILLAR.
JOSIAH FRENCH.
FRANCISCO REQUEIJO.

The UNITED STATES CONSUL GENERAL *at Havana.*

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA, HAVANA.

I, the undersigned, consul general of the United States of America for Havana, do hereby certify that the foregoing are the true and genuine signatures of Messrs. Francisco Villar, Josiah French, and Francisco Requeijo, the persons appointed by me to survey the brig Nancy, of New Orleans, in this port, and that as such they are entitled to faith and credence.

Given under my hand and official seal, at Havana, this 3d day of February, 1859.

[L. S.]

CHARLES J. HELM.
United States Consul General.

No. 3.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, November 30, 1858.

SIR: I have the honor to call your attention to the case of the American brig "Nancy," seized at this port by your authorities on the 18th day of July last, charged, as I understand, with being fitted out for the slave trade.

It has now been four and a half months since this vessel was seized by the authorities here, during all which time the captain and crew have been forced to remain, and being now destitute of means, are supported at the expense of my government.

I therefore very respectfully request that I be informed at your earliest convenience of the result of any investigation which may have been had in the premises, and of the intention of your excellency touching the brig "Nancy," her captain and crew, in the future, that I may be able to act advisably.

I have the honor to be, sir, with profound respect, your obedient servant,

CHARLES J. HELM.

His Excellency THE GOVERNOR,
Captain General of Cuba, Marquis de la Havana, &c., &c., &c.

OFFICE OF THE GOVERNOR, CAPTAIN GENERAL, &C., &C., &C.—GOVERNMENT SECRETARY'S OFFICE.

In conformity with the finding of the royal superior court in the cause formed by suspicions, that the American brig "Nancy" was engaged in the African slave trade, I have communicated what is requisite to his excellency the commander-in-chief of the marine of this station, in order that the delivery of the said brig to John Williams shall have effect immediately.

In consequence thereof, the said commander of the naval station says to me, in a communication of this date, that the orders for the delivery have been given, and that it will take effect so soon as the said captain shall present himself on board the Nancy; and with this object I give to day the proper directions to the political governor of this city.

hich I have deemed proper to make known to you on account of
ntecedents you already have of this affair.
od preserve you many years.
AVANA, *January* 30, 1859.

JOSÉ DE LA CONCHA.

he CONSUL GENERAL *of the United States in this capital.*

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, February 10, 1859.

R: I have the honor to acknowledge the receipt, on the 2d instant, t,
ie communication of your excellency dated the 30th ultimo, in n-
ing me that orders had been given to the proper officer for th e
very of the American brig "Nancy" to Captain John Williams s.
have now the honor, at the request of Captain Williams, to co n-
icate to your excellency a copy of the protest entered of record, at
instance, in this consulate general, against the Spanish gover n-
t, by which he claims damages for the seizure and detention of
essel, and the imprisonment of himself and crew; and to info m
that I shall forward a copy of this protest, together with a co py
ll the correspondence between this consulate general and yo ur
llency, and other officials of this island touching the brig Nan cy,
ie honorable the Secretary of State of the United States, and aw ait
uctions in the premises.
have the honor to be, with great respect, your obedient serva nt,

CHARLES J. HELM.

is Excellency THE GOVERNOR,
Captain General of Cuba, Marquis de la Habana, &c., &c., &c.

Mr. Cass to Mr. Dallas.

163.] DEPARTMENT OF STATE,
Washington, March 18, 1859.

R: Adverting to my despatch No. 157, of the 23d ultimo, I ha ve
ionor herewith to transmit copies of late despatches to the Na vy
artment from the United States squadron on the coast of Afri ca,
hich reference was made in that communication.
ou are instructed to bring to the attention of Lord Malmesbur y,
as little delay as may be practicable, the facts connected with th e
ire and burning of the "Rufus Soulé," as they appear in the r
of Commander Totten.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

ALLAS, Esq., *&c., &c., &c.*

Mr. Dallas to Mr. Cass.

No. 168.] LEGATION OF THE UNITED STATES,
London, March 18, 1859.

SIR: Agreeably to the instruction addressed to me in the concluding paragraph of your No. 157, I invited an interview with the Earl of Malmesbury, and, on the 14th instant, read to him that despatch. At his request, I left in his hands a prepared copy. His Lordship had assigned an hour for our meeting—half past four o'clock—so close upon that at which the House of Peers convened, where his presence was necessary, that no time for comment of any kind was left.

I have received a voluminous communication from Lord Malmesbury, repelling, as unfounded, the claim of Messrs. Cobb & Ellis, of Boston, to be compensated for the seizure and detention of the Caroline, by the British steam sloop Alecto. The documents on which this claim rests were transmitted to me in your No. 120, of July 20, 1858. As soon as the numerous pieces of evidence and statement in disproof of the contents of these documents, and accompanying his lordship's note, are transcribed, they will be forwarded to the department.

I have the honor to be, sir, your most obedient servant,
G. M. DALLAS.

Hon. LEWIS CASS, *Secretary of State.*

Mr. Dallas to Mr. Cass.

No. 169.] LEGATION OF THE UNITED STATES,
London, March 25, 1859.

SIR: I have the honor to transmit a copy of the note addressed to me by the Earl of Malmesbury, respecting the claim of Messrs. Ellis & Cobb, of Boston, to be compensated for the forcible arrest and detention of their brig Caroline.

I make no comment on this letter, except that it is but an additional and faithfully characteristic specimen of the infelicitous style of diplomatic missive preferred by her Majesty's present principal Secretary of State for foreign affairs; a style springing from the too lively consciousness of a power to instruct, which runs through all the effusions of that eminent and excellent gentleman; and the just appreciation of which was calmly communicated, when I read to him, according to direction, your despatch to myself, No. 157, of the 3d of February last.

If Messrs. Ellis & Cobb can furnish evidence to rebut the statements which accompany his lordship's letter, it would be well that no time should be lost in doing so.

I have the honor to be, sir, your most obedient servant,
G. M. DALLAS.

Hon. LEWIS CASS, *Secretary of State.*

Sierra Leone, a considerable distance from Whydah, libelled in the vice admiralty court there, and condemned, solely for the non-production of papers then far away in the hands of her dying master.

The undersigned will await the result of any further inquiry into this painful case which her Majesty's government may direct; not doubting that when the particulars shall be fully developed, every readiness will exist to disclaim and redress whatever wrong may be found to have been inflicted.

He begs the Earl of Malmesbury to accept the renewed assurance of his most distinguished consideration.

G. M. DALLAS.

The Right Honorable the EARL OF MALMESBURY, *&c., &c., &c.*

Mr. Helm to Mr. Appleton.

No. 3] CONSULATE GENERAL OF THE UNITED STATES,
Havana, February 28, 1859.

SIR: I have the honor to acknowledge the receipt of your despatch, dated 31st ultimo, on the subject of the two witnesses who were sent to New York in July last by my predecessor, with the view of prosecuting the owners of the brig "C. Perkins" for a forfeiture of their bond.

The investigation is still pending in the courts here, and the impression is that the "C. Perkins" will be condemned as a slaver, but how long before a final judgment or decree is rendered in the cause it is impossible to say or learn; and as there are no parties interested in pressing the cause, it will probably be many months before a decision is given by the court. I am, therefore, of opinion that it would be as well to release the witnesses as detain them on so great an uncertainty.

I am, sir, with great respect, your obedient servant,

CH. J. HELM.

Hon: JOHN APPLETON,
Assistant Secretary of State, Washington City.

Mr. Dallas to Mr. Cass.

No. 162.] LEGATION OF THE UNITED STATES,
London, March 3, 1859.

SIR: I have the honor to transmit herewith copies of the notes which passed between the Earl of Malmesbury and myself, respecting the detention and visit of the American brig "Anglo Saxon" by the British war steamer "Archer," which constituted the subject of your No. 151.

against British naval officers might be duly investigated, and, if found correct, that suitable compensation might be awarded, her Majesty's government could have had no reason to complain, although they might have thought that the accuracy of the statements was doubtful; but as in your letter you have adopted as fact the statements which I shall proceed to explain, I feel confident that, equally with her Majesty's government, you will regret, on finding them to be unfounded, that they should have been brought forward in the positive terms used in your letter.

The commander of the "Alecto," on behalf of himself and officers, gives a most unequivocal denial to each and every one of the foregoing charges.

This will be seen by his report, and by the extracts from the "Alecto's log," of which copies are herewith enclosed.

Commander Hunt shows that the "Caroline's" papers were irregular; that part of her cargo was visible on deck, and was of a character to induce suspicion that she was intended for slave traffic. He proves that the acts and language imputed to him and officers of his ship did not in any way warrant the expressions by which they are characterized in your letter of the 24th of August last, and I feel bound to state that, after a careful investigation of this case, her Majesty's government must give entire credence to Commander Hunt's statements.

As regards the claim of the owners of the "Caroline," to be indemnified for losses alleged to have been sustained by them in consequence of the detention of their vessel, and her being diverted from her course, whereby the plans of the voyage are stated to have been frustrated, and the cargo precipitated at a place for which it was not intended, I have to call your attention to the real facts of the case.

The "Caroline," as alleged by her master, was bound to Matacong, there to dispose of her outward cargo, and to purchase a homeward cargo of hides; and the intention of the master was declared to have been to trade with Mr. Reader, a merchant of that place.

Now, it appears from an entry in the log of the "Alecto," the truth of which is deposed to by no less than nine of the commissioned and petty officers of that ship, that when doubts were expressed as to the character of the "Caroline" and the validity of her papers, the master of that vessel stated *that he would be glad of a tow to Sierra Leone.*

This would not have diverted the "Caroline" from her course towards her port of destination, but would, on the contrary, have enabled her to reach Matacong earlier than she otherwise could have done without the assistance of the "Alecto." She was accordingly, and in compliance with the wish of the master, towed to Sierra Leone, on her way to Matacong, but with the additional object of enabling the master to clear his ship from the suspicions attaching to her; and when, subsequently, as will be seen from the accompanying copy of a letter from Lieutenant Walker to the commander of the "Alecto," the American consul expressed his readiness to vouch for the honesty and respectability of Mr. Tufts, the supercargo of the "Caroline," although he stated that he *might have considered the vessel suspicious*

in another man's hands, an offer was made to the master of the "Caroline" to tow his ship to the place for which he originally stated that he was destined, the master of the "Caroline" declined the offer. If he had accepted it, it is shown that he would have arrived at Matacong at a much earlier date than he could have done under any other circumstances, and thus the claim for the detention, or diversion of the "Caroline" from her course, must necessarily fall to the ground. There are other and stronger circumstances, however, which deprive this claim of favorable consideration.

It is in evidence from the statement of Commander Hunt, and from a letter addressed to that officer by the governor of Sierra Leone, which I will quote, that when the "Caroline" arrived at Sierra Leone, Mr. Reader, with whom it is stated that the master of the "Caroline" intended to trade at Matacong, was actually present at the former place, and the master was therefore placed in communication with his consignee a *fortnight sooner* than he probably would have been had the "Caroline" not been taken in tow by the "Alecto;" and there was nothing to have prevented Mr. Reader, if he had so desired, from purchasing the "Caroline's" cargo, and making arrangements with her master for the shipment of a return cargo from Matacong, whither the "Caroline" had been offered the assistance of the "Alecto" to tow her.

The best explanation of the reason why the master of the "Caroline" did not wish to proceed to Matacong is contained, however, in the letter from the governor of Sierra Leone to Commander Hunt, which is as follows:

"GOVERNMENT HOUSE,
"*Sierra Leone, November* 24, 1858.

"SIR: I have read the several communications received from the admiralty, relative to the case of the "Caroline," and I cannot but express my surprise that the owners and master of that vessel should have claimed compensation on the grounds that the interference of yourself and officers altered the voyage, by which they suffered pecuniary losses.

"In justice to you, and considering it my duty, as a servant of the Crown, to expose such misrepresentations, I have the honor to inform you that it is notorious in the colony that the "Caroline" disposed of her cargo for its full value almost immediately on her arrival, and it was the common topic of conversation the good fortune of the master in having been towed to Sierra Leone by the "Alecto," bringing the "Caroline" here a couple of weeks prior to her probable arrival without such assistance, and insuring him a ready market for his cargo. I have even heard it said that the master of the vessel boasted of the circumstance.

"With reference to the original intention of the master to call at Matacong, it is very clear the only object could be to dispose of the cargo to Mr. Reader. Now, when the "Caroline" arrived here, Mr. Reader was present, and as he could as easily have purchased the cargo here as at Matacong, and, for reasons best known to himself, he did not purchase it, the presumption must be that to call at Mata-

ong would have been only so much time lost, with the probable hance of losing the market at Sierra Leone, both of which mishaps ere avoided by the vessel accompanying the "Alecto" direct to this lace.

"In conversation, a merchant interested in the American trade told me that the master of the "Caroline" was satisfied in the successful disposal of his cargo, and he would not have made any complaint against the "Alecto," but he saw Mr. Reader, to whom he repeated something said by you with respect to the Island of Matacong and slave dealing, which so exasperated Mr. Reader, that he took the master to Mr. Magnus Smith, whose hostility to all officers connected with the government is well known, and the result was the protest submitted to the British government.

"I mention these facts, and I am satisfied any inquiry here will satisfy the government that the owners or the master of the 'Caroline' have not any just claim to compensation on the grounds stated.

"I have, &c.,

"STEPHEN J. HILL,
"*Governor.*"

It appears from the foregoing letter to Commander Hunt that, instead of suffering any loss by the proceedings of the commander of the "Alecto," a pecuniary benefit was actually conferred on the owners of the "Caroline," by their vessel being towed to Sierre Leone, and this view of the case is confirmed by a subsequent despatch from the governor of Sierra Leone to the secretary of state for the colonies, covering an account furnished to him by Mr. Heddle, a merchant in that colony, of the purchase of the "Caroline's" cargo, and of the produce given in exchange.

Copies of the governor's despatch and of the documents which accompanied it are herewith transmitted to you, and I also enclose a copy of a letter from the first lieutenant of the "Alecto" to the commander of that vessel, giving an account of what passed at an interview which he had on the 15th of May with the American consul at Sierre Leone, and with the master of the "Caroline," when both those persons acknowledged that the "Caroline" and her cargo had suffered no injury whatever by their detention, and that it had been determined to drop all proceedings in the matter.

In view of the foregoing circumstances, it is scarcely necessary to observe that where, as in this case, it is satisfactorily proved that there has been no loss, there can be no justifiable claim.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Commander Hunt's statement in reply to charges preferred against him and the officers of her Majesty's ship "Alecto," in regard to the American brig "Caroline."

1. The "Caroline" was not a fully and regularly documented vessel according to the American law, or the law of nations, for the following reasons, viz:

Her register was beyond ten years old. It had not the indorsement on the back of the change of captains.

Her articles and crew-list were all in the same handwriting, and not signed by the men individually.

Her clearance had only the word "Merchant," for description of cargo, and "Africa," for destination.

The master had no manifest whatever, (a most important document.)

2. Her equipment and the portion of her cargo that was seen, gave the strongest suspicion of her being engaged in the slave trade, slave-planks and beams being in sight.

3. The master was not subjected to a course of insolent interrogatory, in proof of which there is abundant testimony.

4. The papers were not demanded, but asked for politely, for the purpose of ascertaining her nationality.

5. She was hailed that we wished to speak to her, because when the boat was dropped ahead, it could not reach the vessel, which seemed purposely to avoid the boat.

6. Her hold was not violently opened and examined, but her master invited the officers to look in his fore and aft holds, but as both places had been blocked up by powder barrels, they declined to look in them, and some time afterwards, on looking under the main hatch, that also was observed to be so carefully and cautiously stowed as to frustrate any attempts to search it, had they been so disposed.

7. The master was not forcibly taken on board the "Alecto," but went voluntarily. He was distinctly told by myself that I had no power or authority to take him out of his ship.

8. I also beg emphatically to deny, on the part of myself and officers, that any such low and vulgar insult was or ever has been offered to a defenceless merchant ship, as recommending (as it is termed) "to let his colors and papers swim;" but, on the contrary, the American flag has always been treated with respect, and nothing more has ever been demanded than a proof of a right to the flag carried.

9. That the "Caroline" was not seized and put in charge of a prize-crew, but taken in tow, at the master's own request, to Sierra Leone, the port to which he stated he was bound, for the purpose of expediting his voyage, and proving his nationality before the American consul.

10. That the men of the ship were put on board at the master's own request, to assist him.

11. That the vessel was not taken to a port that she was not destined for, which was proved by his, the master, Mr. Bradford Gibbs's, previous request, and by his entering that port of his own free will after parting company with this ship, by his declining to be towed to Ma-

tacong when offered a tow to that place, and by his consignees, Messrs. Reader, Isaacs & Co. being in and belonging to the port of Sierra Leone, and being actually present in person there at the time, as proved by a letter of his excellency the governor of Sierra Leone, already forwarded.

12. That the vessel was spoken on the 8th of May, at 4.15 p. m., and parted company with this ship at 11.30 a. m. of the 11th, being only two days nineteen hours, instead of four days, as stated, which is verified by a copy of ship's log and other reports already forwarded.

13. That any language or behavior of any description, suggested, as stated in the accusation, by a consciousness of baffled cupidity and arrogance, is entirely untrue and without the slightest foundation; that in proof of the above, it can be shown that Mr. Horace Tufts, Mr Bradford Gibbs, and all the crew of the "Caroline," were, during the whole of the affair, and particularly afterwards in Sierra Leone, in constant friendly intercourse with the officers and men of this ship.

In conclusion, I would respectfully add that, in all the numerous cases of visiting, boarding, or capturing vessels under the various flags common to those parts of the coast of Africa on which this ship has been cruising, no angry word or offensive altercation has ever occurred between the officers and crew of the ship under my command and those boarded; and that it is notorious in Sierra Leone, as verified by his excellency the governor's letter, that certain British merchants of Sierra Leone, assisted by the liberated negro, Mr. Magnus Smith, are the persons who are urging on, against their will, the owners of the "Caroline" in these unwarrantable accusations.

I have, &c.,

JAMES HUNT,
Commander.

Extract from the log of her Majesty's steamship "Alecto."

"In latitude 9.38 north, longitude 14.45 west, off the Pongas, at 2.30 p. m. of the 8th, observed a strange sail on port bow about two points, which was made out to be a brig on a wind, starboard tack, standing towards us. Drew forward fires and went on in chase. Observed that she had altered course for the Pongas, and had studding sails set. Stranger hoisted American colors. Passed ahead of her and hailed her to heave to, as I wished to send a boat on board. At 4.15 p. m. sent Lieutenant Walker to board her. Boat returned and reported that Lieutenant Walker wished me to visit the vessel, as she had a slave cargo, her decks being loaded up to the gunwale with slave beams and plank and large casks, and her papers showing that she had cleared for Africa only, but no cargo mentioned, and no manifest of any description on board. Asked the captain's permission to look below, which was granted; but as he had blocked up the hatchway forward with powder barrels, (evidently just put there,) could not see anything except a piece of pipe of the description used in slave

coppers. On looking into his hold abaft could see a large quantity of casks of all sorts, which I could not examine, and did not like to touch.

"I then returned on board, and the master of her voluntarily visited this ship, at my request, for the purpose of showing his papers to the officers I wished to see them.

"As a very heavy tornado and night were approaching, and fearing he would escape before I could make further investigation, I left a boat's crew on board. The tornado then coming on almost immediately, prevented our further communication till daylight.

"At 7 a. m. of the 9th, it being calm, communicated with the brig, and having heard the various contradictory statements relative to the vessel, gathered from the crew and captain, I decided, as the captain had previously stated that he would be glad of a tow to Sierra Leone, to take him in tow to that place, it being a continued calm, which I did at 9.30 a. m., for decision of the American consul, as myself and officers believe him to be fraudulently assuming the flag of the United States for the purpose of conveying slave cargoes to and from Africa, and also using a false register and other documents, and not having a manifest, the paper most necessary and important to American vessels, and which it is notorious no American merchant ship is ever allowed to leave a port without."

Witnesses to the correctness of this statement:

JAMES HUNT, *Commander.*
W. J. WALKER, *Lieutenant.*
SPENCER DE L. LACY, *Lieutenant.*
E. J. W. TUCKER, *Master.*
CHAS. M. SHARRE, *Surgeon.*
JOHN W. W. GREENE, *Paymaster.*

"ALECTO," *Sierra Leone, May* 13, 1858.

SIR: In compliance with your orders, I delivered to J. E. Taylor, esq., American consul at Sierra Leone, on the morning of the 11th this month, the letter and statement intrusted to me by you, relative to the brig "Caroline," of Boston, detained by you for her examination. Mr. Taylor having read the account of her detention, said that he was well acquainted with Mr. H. Tufts, who had called himself supercargo, and that though he might have considered the vessel suspicious in another man's hands, he could vouch for the honesty and respectability of Mr. Tufts; and that we had better arrange matters with him by letting him go, or offering to tow him to Matacong, which offer was accordingly made to him.

I have, &c.,

W. J. WALKER, *Lieutenant.*

Commander HUNT.

No. 196.

Governor Hill to Sir E. B. Lytton.

GOVERNMENT HOUSE,
Sierra Leone, December 13, 1858.

SIR: I have the honor to transmit the copy of a letter addressed by me to Commander Hunt, royal navy, and considering it my duty, I also enclose the customs entry inwards of the cargo brought to this port in the Caroline, with the list and prices of the different articles of cargo purchased by Mr. Heddle, including the produce given in exchange.

Mr. Heddle, in purchasing the cargo of the Caroline, allowed £10 per cent above the invoice, and I would call attention to the remarks inserted by that merchant in proof that her Majesty's steam sloop Alecto conferred a pecuniary benefit on the owners of the Caroline in towing her to Sierra Leone, where a ready market and return cargo awaited her; and under such circumstances, the claim for compensation under this head made upon her Majesty's government by the owners of the Caroline cannot, in justice, be maintained.

I have, &c.,

STEPHEN J. HILL.
Governor.

The Right Hon. Sir E. B. LYTTON, *&c., &c., &c.*

DR. *Captain Horace Tufts in account with Charles Heddle.* CR.

1858.		£ s. d.	£ s. d.	1858.			£ s. d.
June 21	To 583 dry hides, weighing 5,017 lbs., at 19 cents...	198 11 9½		June 28	By ⊕ 6 hhds. tobacco, 9,440 lbs., at 12 cents.....	$1,132 80	
21	To 585 lbs. old composition, at 6d.....	14 12 6			By ℛ 12, 6 ....do.....19,043 lbs., at 18 cents...	3,427 74	
			213 4 3½		By ℛ 8, 6. ....do.....15,078 lbs., at 20 cents....	3,015 60	
22	To 1,114 dry hides, weighing 10,565 lbs., at 19 cents.	.....	418 3 11½		By L M O D 6 bales brown sheeting, 4,479 yds., at 10 c.	447 90	
23	To 1,101..... .....do ..... 10,316.....do.....	408 6 10			By S D 2 bales brown sheeting, 1,491 yds., at 10 cts ..	149 10	
23	To 2,807 lbs. old junk, at 1½ cent.....	17 10 10½	425 17 8½				
25	To 11 casks and 5 bbls. palm oil, containing 1,411 gallons, at 2s. 1d	....	146 19 7		By △ D 5 cases blue drills, 3,279 yds., at 11 cents..	360 69	
26	To 1,719 dry hides, weighing 14,331 lbs., at 19 cents.	.....	568 1 2½		By 400 kegs powder, 10,000 lbs., at 12½ cents	1,250 00	
26	To 2,952 lbs. dry hides on June 24, per Lynch & Co., at 19 cents.....	116 17 0			By 20 barrels flour, at $8 25	165 00	
26	To 1,090 lbs. composition, June 17, per Pike, at 6d..	27 5 0	144 2 0		By 30 barrels bread, 2,742 lbs., at 5 cents...	137 10	
28	To 31 teeth ivory above 20 lbs., weighing 860½ lbs., at 6s. 3d	268 18 1½			By 5 casks shingle nails, 500 lbs., at 4½ cents	22 50	
28	To 563 teeth ivory under 20 lbs., weighing 2,590½ lbs., at 4s. 2d	539 13 9			By 6 planking screws, at $3 50	21 00	
28	To 1,460 lbs. green copal, at 4d	24 6 8	832 18 6½		By 40,000 cedar shingles, at $4 25.....	170 00	
29	To 36 teeth ivory above 20 lbs., weighing 1,315 lbs., at 6s. 3d	410 18 9			By 20,000 70-1000 lumber and joists, at $18.....	433 26	
29	To 20 teeth ivory under 20 lbs., weighing 93½ lbs., at 4s. 2d	19 9 7			By 150 barrels of rum, 5,849 galls., at 37½ cents....	290 75	
29	To 778 lbs. composition, at 6d	19 9 0	449 17 4		By 131 pans of rum, 13,795 galls., at 37½ cents.....	5,173 12	
30	To 816 lbs. composition, at 6d.....	20 8 0				18,096 56	
30	To 285 bushels groundnuts, at 1s. 6d.....	21 7 6	41 15 6		Add 10 per cent.....	1,809 65	
July 1	To 555 lbs. composition, at 6d	13 17 6				19,906 21	
1	To 2,707 lbs. old junk, at 1½d.....	16 18 4½			By 135 oil casks, and 10 casks heads and hoops, 2,706½ galls., at 2¾ cents.....	744 20	
1	To 94 bushels groundnuts, at 1s. 6d..	7 1 0	37 16 10½			20,650 41	
2	To 301 lbs. composition, at 6d	7 10 6			$20,650 41 equal to	.....	4,302 3 4½
2	To 385 bushels groundnuts, at 1s. 6d.....	28 17 6	36 8 0	July 5	By 8 gallons rum, at 37½ cents.....	.....	12 6
3	To 1,388 lbs. old junk, at 6d.....	8 13 6					
3	To 238 lbs. composition, at 6d	5 19 0					
3	To 700 bushels groundnuts, at 1s. 6d	52 10 0	67 2 6				
5	To 490 bushels groundnuts, at 1s. 6d	....	36 15 0				
6	To 706.....do.....do.....	52 19 0					
6	To 284 lbs. composition, at 6d	6 19 0					
6	To 2,409 lbs. old junk, at 1½d.....	15 1 1½	74 12 1½				

13	To 736 ..... do		18	3	0						
13	To 67 ..... do		1	13	6						
13	To 365 bushels groundnuts, at 1s. 6d		27	7	6						
						47	4	0			
14	To 319 lbs. composition, at 6d		7	19	6						
14	To 355 bushels groundnuts, at 1s. 6d		26	12	6						
						34	12	0			
17	To 1 tusk ivory, 50½ lbs, at 6s. 3d		15	15	7½						
17	To 15 tusks ivory, 109½ lbs., at 4s. 2d		22	16	3						
17	To 732 lbs. composition, at 6d		18	6	0						
						56	17	10½			
19	To 3,238 lbs. hides, at 19 cents		128	3	5						
19	To 58 scrulloss, at 4s. 2d		12	1	8						
19	To 530 bushels groundnuts, at 1s. 6d		39	15	0						
						180	0	1			
22	To 60 teeth ivory, 211 lbs., at 4s. 2d		43	19	2						
22	To 5 ..... do. ...159½ lbs., at 6s. 3d		49	16	10½						
22	To 400 bushels groundnuts, (on 20th,) at 1s. 6d		30	0	0						
						123	16	0½			
22	To brig Caroline, account transferred		54	10	0½						
22	To cash paid to you to close		1	4	3						
						55	14	3½			
						4,302	15	10½			4,302	15	10½

Examined, O. E., 28th July, 1858.

HORACE TUFTS.

Remarks by Mr. Heddle.

I believe that the owners of the brig "Caroline" must have realized a considerable profit on the return cargo; for it appears by a letter dated in New York, September 6, 1858, that the greater portion of the hides were sold in Boston at 32 cents (equal to $\frac{1}{4}$) per pound, an advance of about 75 per cent. on the price paid for them here. A profit must also have been made on the pea or ground nuts, as the supercargo of the "Ida," a vessel belonging to the same owners as the "Caroline," and which arrived here a month later, paid 50 cents (equal to 2*s.* 1*d.*) per bushel for his cargo, which, I believe, was intended for the same market.

SIERRA LEONE, *November* 30, 1858.

In the ship "Caroline," of Boston, foreign built, property all foreign, about 172 tons, with 8 men, all foreign men, and no others besides; Bradford Gibbs, an American man, master for this present voyage from Boston. Tonnage, £12 18*s.*; light, £2 13*s.*; harbor, £1 10*s.*—£16 11*s.* Inwards. Port of Freetown.

Stores consigned to Charles Heddle.

26 hogsheads tobacco; 133 puncheons rum; 157 barrels of rum; 135 oil shooks; 10 casks heads; 8 bales brown sheeting; 5 cases blue drills; 400 kegs gunpowder; 20 M feet planked boards; 4 M feet joists; 40 M feet shingles; 20 barrels flour; 30 barrels bread; 5 kegs nails; 6 planking screws; 3 cases shoes; 2 cases boots; 1 trunk stationery; 4 boxes ink; 3 trunks, samples; 5 M cigars; 6 barrels beef; $\frac{1}{2}$ barrel meal; 4 barrels pork; 1 tub pickles; 10 barrels bread; 1 cheese; 2 barrels flour; $\frac{1}{2}$ box raisins; 1 barrel potatoes; 1 barrel vinegar; $1\frac{1}{2}$ barrel molasses; $\frac{1}{2}$ barrel of tongues and sounds; 60 pounds dried apples; 30 pounds lard; 18 pounds butter; 18 pounds soap; 1 peck peas; 1 box herrings; 110 pounds sugar; $\frac{1}{2}$ bushel beans; 1 gallon fluid; 1 bag salt; 6 gallons lamp oil; 5 pounds tea; $1\frac{1}{2}$ ham; 2 pounds spices; 4 boxes candles; 3 pounds cocoa; $\frac{3}{4}$ gross matches; 1 barrel varnish; 1 barrel tar; 1 barrel asphaltum; 7 gallons paint oil; 2 gallons spirits; 25 pounds white lead; 25 pounds black paint; 1 pound green paint; 6 pounds yellow ochre; $1\frac{1}{2}$ bolt duck; $1\frac{1}{2}$ coil rope; 1 coil spunyarn; 2 coils marlin; 5 spare sails.

I do declare that this entry now tendered and subscribed by me is a just report of the name of the above mentioned ship, its burden, build, property, number and country of mariners, the present master, and voyage; and that it further contains a true account of the lading of the said ship, with the particular marks, numbers, quantity, quality, and consignment of all the goods and merchandises in the said ship, to the best of my knowledge and belief, and that bulk hath not been broken, nor any goods delivered out of the said ship since her loading in Boston.

BRADFORD GIBBS.

Signed and declared the 17th day of May, 1858, in the presence of—

T. MACRAE,
1st Clerk, for Collector.

"ALECTO," *Sierra Leone, May* 15, 1858.

SIR: A message having been sent to you that the American consul wished to see you on shore, in compliance with your orders I went to the consulate and informed Mr. Taylor that you did not wish to compromise yourself by personally negotiating the affair of the brig "Caroline," but that I was authorized by you to receive any communication that was to be made. The master of the brig, Mr. B. Gibbs, told me that they had come to the conclusion to drop all proceedings relative to her detention, as he could get no good by it. The American consul confirmed this, and declared that the vessel and cargo had sustained no injury whatever by their detention.

I have, &c.,

W. J. WALKER.

Commander HUNT.

Mr. Dallas to Mr. Cass.

No. 176.] LEGATION OF THE UNITED STATES,
London, April 22, 1859.

SIR: Your despatch No. 164 has been received.

The despatch from the department, numbered 157, was, according to its closing instruction, read to the Earl of Malmesbury on the 14th ultimo, and a copy thereof left with him. It contained a reference to the capture and destruction of the "Rufus Soulé," off the coast of Africa, as reported to the Navy Department by Commander B. J. Totten; and a copy of that report having been transmitted in your No. 163, I lost no time in submitting it to his lordship.

The notes interchanged upon the subject are annexed, and it will be perceived that while this government disclaims possessing "any information respecting this transaction further than that a vessel *supposed* to be the 'Rufus Soulé', without colors or papers, was captured by her Majesty's ship 'Viper,' and destroyed as being unseaworthy," the fullest inquiries are directed to be made into the particulars of the case.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

LEGATION OF THE UNITED STATES,
London, April 12, 1859.

MY LORD: At the interview with which I was honored on the 14th day of March last, I read to your lordship a despatch addressed to me by my government under date of the 23d February, 1859, and, agreeably to instruction, left with you a copy thereof.

Permit me to recall the following passage of that despatch. It relates to the alleged manner in which British naval officers cruising upon the western coast of Africa, after boarding American merchant men, have induced the masters of those vessels to throw their papers overboard.

Commodore Wise seems to be under the impression that this reprehensible practice is now abandoned. The "information received fro our African squadron justifies a different conclusion, and, indeed, t circumstances attending the capture of the 'Rufus Soulé' in Octo last, as reported to the Navy Department, led to the opinion th some such means are yet resorted to, and with the same protection the criminals against the punishment, for the crew of that vessel w landed upon the coast and suffered to depart. The facts connec with the capture and burning of the vessel are very differently re sented by the American and British officers. The proceedings w attended with circumstances so very reprehensible, if not clearly ju fied by the situation of the vessel, that I desire, when the reports fro the Navy Department reach you, that you request an immediate in vestigation of the transaction with the adoption of such measures of redress and prevention as the state of the case may call for."

In compliance with this injunction, I have now the honor to communicate to your lordship a copy of the report from the Navy Department of the United States, in relation to the seizure and burning of the "Rufus Soulé" in the month of October last, and to impress, with the utmost deference, upon your lordship the expediency of causing to be made the full inquiry desired by Mr. Cass into all the circumstances of that transaction.

I avail myself of the opportunity to repeat to your lordship the assurance of the highest consideration with which I have the honor to be your most obedient, humble servant,

G. M. DALLAS.

The Right Hon. the EARL OF MALMESBURY, *&c.*, *&c.*, *&c.*

FOREIGN OFFICE, *April* 20, 18

SIR: I have the honor to acknowledge the receipt of your letter 12th instant, enclosing a report from the Navy Department United States, in relation to the seizure and burning of the 'Soulé" by one of her Majesty's cruisers off the African coast month of October last, and I beg leave to acquaint you that I at present in possession of any information respecting this tra further than that a vessel supposed to be the "Rufus Soulé," colors or papers, was captured by her Majesty's ship "Vip that she was destroyed as being unseaworthy.

...ever, lose no time in transmitting copies of y

of its enclosures to the admiralty, with a request that the fullest uiries may be made into the particulars of this case.

have the honor to be, with the highest consideration, sir, your st obedient, humble servant,

MALMESBURY.

H. M. DALLAS, *&c.*, *&c.*, *&c.*

Mr. Willis to Mr. Cass.

[Extract.[

ST. PAUL DE LOANDO, *May* 5, 1859.

SIR: It is reported that the United States sloop "Marion" has ten as prizes, in the Congo river, a bark, called the "Orion," of w York, and another bark, name not reported. Her Britannic jesty's steamer "Triton," Commander Burton, had the "Orion" tow one or two days previous to the arrival there of the "Marion," ile, at the same time, the "Orion" had the American ensign ing. Captain Brent, of the "Marion," will undoubtedly inform s department of the particulars of this case. * * * *

A small topsail schooner, name not yet given, was towed in here sterday by her Britannic Majesty's steamer "Triton," which ves- l was taken off Mayula, about forty miles to the north of Loando, ithout flag or papers. She was three months from Havana, and had x hundred doubloons on board. I have not seen any person belong- g to her, but get my information from her Britannic Majesty's acting mmissioner. The "Triton," after coaling here, will leave with r prize for St. Helena. * * * * *

Very respectfully, your obedient servant,

JOHN G. WILLIS.

Mr. Dallas to Mr. Cass.

. 183.] LEGATION OF THE UNITED STATES,
London, May 6, 1859.

SIR: Your No. 144 was accompanied by a copy of a communication n the Secretary of the Navy to the Department of State relative he capture of two American vessels, the "Kate Ellen" and the sabella," by British war steamers, on the African coast; and you veyed to me the opinion that it would be well to bring to the ice of this government the apparent practice among its naval cers of so alarming suspected slavers under the flag of the United tes as to induce the destruction of the evidences which would sub- them to the penalties of our law.

The testimony in the cases of the "Kate Ellen" and "Isabella" s exceedingly slight and unsatisfactory. I was reluctant to make

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In compliance with this injunction, I have now the honor to communicate to your lordship a copy of the report from the Navy Department of the United States, in relation to the seizure and burning of the "Rufus Soulé" in the month of October last, and to impress, with the utmost deference, upon your lordship the expediency of causing to be made the full inquiry desired by Mr. Cass into all the circumstances of that transaction.

I avail myself of the opportunity to repeat to your lordship the assurance of the highest consideration with which I have the honor to be your most obedient, humble servant,

G. M. DALLAS.

The Right Hon. the EARL OF MALMESBURY, *&c.*, *&c.*, *&c.*

FOREIGN OFFICE, *April* 20, 1859.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, enclosing a report from the Navy Department of the United States, in relation to the seizure and burning of the "Rufus Soulé" by one of her Majesty's cruisers off the African coast in the month of October last, and I beg leave to acquaint you that I am not at present in possession of any information respecting this transaction further than that a vessel supposed to be the "Rufus Soulé," without colors or papers, was captured by her Majesty's ship "Viper," and that she was destroyed as being unseaworthy.

I will, however, lose no time in transmitting copies of your letter

and of its enclosures to the admiralty, with a request that the fullest inquiries may be made into the particulars of this case.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

G. M. DALLAS, *&c.*, *&c.*, *&c.*

Mr. Willis to Mr. Cass.

[Extract.[

ST. PAUL DE LOANDO, *May* 5, 1859.

SIR: It is reported that the United States sloop "Marion" has taken as prizes, in the Congo river, a bark, called the "Orion," of New York, and another bark, name not reported. Her Britannic Majesty's steamer "Triton," Commander Burton, had the "Orion" in tow one or two days previous to the arrival there of the "Marion," while, at the same time, the "Orion" had the American ensign flying. Captain Brent, of the "Marion," will undoubtedly inform his department of the particulars of this case. * * * *

A small topsail schooner, name not yet given, was towed in here yesterday by her Britannic Majesty's steamer "Triton," which vessel was taken off Mayula, about forty miles to the north of Loando, without flag or papers. She was three months from Havana, and had six hundred doubloons on board. I have not seen any person belonging to her, but get my information from her Britannic Majesty's acting commissioner. The "Triton," after coaling here, will leave with her prize for St. Helena. * * * * *

Very respectfully, your obedient servant,

JOHN G. WILLIS.

Mr. Dallas to Mr. Cass.

No. 183.] LEGATION OF THE UNITED STATES,
London, May 6, 1859.

SIR: Your No. 144 was accompanied by a copy of a communication from the Secretary of the Navy to the Department of State relative to the capture of two American vessels, the "Kate Ellen" and the "Isabella," by British war steamers, on the African coast; and you conveyed to me the opinion that it would be well to bring to the notice of this government the apparent practice among its naval officers of so alarming suspected slavers under the flag of the United States as to induce the destruction of the evidences which would subject them to the penalties of our law.

The testimony in the cases of the "Kate Ellen" and "Isabella" was exceedingly slight *and unsatisfactory*. I was reluctant to make

it the foundation of complaint. But as your object (in the long run a most useful one) seemed to be not so much to make these two special instances substantive grounds of complaint as formally to draw the attention of her Majesty's government to the general practice, I addressed the Earl of Malmesbury upon the subject, and have recently received his reply. Copies of the notes interchanged are annexed. It will be observed that while his lordship disposes of the evidence adduced as "utterly valueless," he reiterates the anxiety of her Majesty's government to put a stop to any improper interference on the part of British officers with *bona fide* American vessels.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

LEGATION OF THE UNITED STATES,
London, January 18, 1859.

MY LORD: It has been made my duty, by special instruction, to submit to the notice of her Majesty's government the accompanying official copy of a communication addressed by the honorable the Secretary of the Navy to the Department of State at Washington.

Your lordship will perceive in these documents testimony tending to disclose an alleged practice on the part of British naval officers on the African station to warn suspected slavers sailing under the American flag that if they are captured by United States vessels they will be sent home for trial, and probably convicted, thus encouraging the destruction of evidences which would render them liable to the penalties of American law.

In such a practice there could not fail to be recognized an abuse demanding remedy, if remedy can be devised.

It is confidently hoped that her Majesty's government will deem the subject worthy of inquiry, and will cause the practice to be abandoned as soon as convinced of its existence.

Renewing to your lordship the assurance of my highest consideration, I have the honor to be, my lord, your lordship's most obedient servant,

G. M. DALLAS.

The Right Hon. the EARL OF MALMESBURY, *&c., &c., &c.*

FOREIGN OFFICE, *April* 30, 1859.

SIR: In the letter which you did me the honor to address to me on the 18th of January last you state that you have been directed to bring to the notice of her Majesty's government certain documents tending to disclose an alleged practice on the part of British naval officers on the African station to warn suspected slavers sailing under the

American flag that if they are captured by the United States vessels they will be sent home for trial, and probably convicted, thus encouraging the destruction of evidences which would render such vessels liable to the penalties of American law. You state, further, that in such a practice there cannot fail to be recognized an abuse demanding remedy, if a remedy can be devised, and you express a hope that her Majesty's government will deem the subject worthy of inquiry, and will cause the practice to be abandoned as soon as convinced of its existence.

In reply, I beg leave to observe that the documents enclosed in your letter, and on which the representation which you have been instructed to make to her Majesty's government appears to be founded, relate to the capture by British cruisers of two vessels, stated to be the "Kate Ellen" and the "Isabella;" but it is only with regard to the latter vessel that the charge is made that threats and intimidation were used by the British officer who boarded her to induce her master to haul down his colors and to give his vessel up as a prize; and the evidence adduced in support of this charge is given by two sailors, Portuguese or Spaniards, who state that they were on board the "Isabella" when she was captured.

In the case of one of these men, a Portuguese sailor, Commander Totten, of the United States sloop "Vincennes," who examined him, reports that the man was so contradictory and evasive that he could give little credit to his statement, and that when asked whether he would go before the American consul and take an oath to the truth of his statement, he declined doing so.

It can scarcely, therefore, be expected that her Majesty's government should give more credit to this man's statement than is accorded to it by the commander of the United States ship-of-war, who was on the spot, and was better enabled than any one else to form a correct opinion of the value of the man's testimony.

As regards the statements of the sailor Fernandez, whose deposition respecting the capture of the "Isabel" was taken in the hospital at Loando, I have to observe that this man asserts that the "Isabel" was boarded by a boat's crew from the English brig-of-war "Orion," and that the master, acting under threats from the English officer, ordered the mate to haul the flag down, which was done against the will of the crew.

But I beg leave to state that there is no British cruiser named the "Orion" employed on the African coast, nor has any information been received by her Majesty's government of the capture by any of her Majesty's cruisers of a vessel called the "Isabel" or "Isabella." It can only be inferred, therefore, that this man's statement is as little deserving of credit as that of his companion, the Portuguese sailor, who was examined by the commaner of the "Vincennes."

I have, in conclusion, to add that her Majesty's government are most anxious to put a stop to any improper interference on the part of British officers with *bona fide* American vessels; but the evidence adduced in the present instance seems so utterly valueless, and is given by persons whose evident connexion with the slave trade render their statements altogether untrustworthy, that, in the opinion of her

Majesty's government, it fails entirely to prove that there has been any improper interference on the part of British officers with American vessels.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Mr. Dallas to Mr. Cass.

No. 184.] LEGATION OF THE UNITED STATES,
London, May 6, 1859.

SIR: With my No. 151, of the 4th February last, I transmitted the copy of a note addressed by me to the Earl of Malmesbury, respecting the capture on the coast of Africa, by the British armed cruiser "Trident," of the American schooner "Lydia Gibbs," Thomas Watson master. As this subject had been presented impressively to the notice of the department by the Hon. William Porcher Miles, of the House of Representatives, I thought it expedient to enable you to show to Mr. Miles that it was promptly and justly called to the attention of the British government.

I have now the honor to forward a copy of Lord Malmesbury's answer to my note.

It will be observed that the only substantial grounds alleged for the capture of the "Lydia Gibbs" are: 1st, that she had "no colors or papers;" and, 2d, that she had been "purchased by the slave traders" in the Havana. And to establish these allegations, reliance is placed upon "an official communication received by her Majesty's government from the United States on the 1st June last," without naming the source, and upon information sent by "Mr. Crawford, her Majesty's consul general in Cuba."

The prostitution of the American flag to cover a violation of American criminal law, however flagrant, would not warrant the seizure of the "Lydia Gibbs;" but it would constitute the seizure in one of those cases in which the government of the United States "would not be likely to make a case thus exceptional in its character a subject of serious reclamation." It is fair to remark that the slave-trading character imputed to the "Lydia Gibbs" seems conceded in the report made by Commander Thomas W. Brent to Commodore Conover on the 8th October, 1858, which accompanied your No. 170, received by me only yesterday.

I very respectfully suggest the expediency of causing Mr. Miles to be furnished, confidentially, with a copy of Lord Malmesbury's note, so that the accuracy of the representations made from the United States and Cuba to the government here may be scrutinized and tested.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of War.

FOREIGN OFFICE,
April 30, 1859

SIR: I have not failed to cause inquiries to be made respecting the ase of the schooner "Lydia Gibbs," the capture of which vessel by ommander Close, of her Majesty's ship "Trident," formed the subject your note to me of the 31st January last; and although I am not yet possession of the reply of Commander Close to the statements con-ined in your note, purporting to give an account of the circumstances nder which the "Lydia Gibbs" was captured, I am enabled to fer a few observations with regard to the representations which you ave been instructed to make to her Majesty's government in this ase.

You state that the following facts are to be drawn from the papers nclosed in your letter:

1. That the "Lydia Gibbs" arrived at Whydah on the 22d May, 1858, where, discharging a portion of her cargo, she remained till the 29th May, her captain and Commander Close (who made the capture) being known to each other, and having some degree of social intercourse; that she left Charleston about the 20th January, and Havana about the 9th March preceding.

2. That the "Lydia Gibbs" had colors and papers attesting her American character—the flag of the United States, the register, the shipping articles, the list of crew, the invoice of cargo of 150 pipes of rum and of stores, the consular certificates—all genuine and satisfactory.

3. That the "Lydia Gibbs" had given, by her course of proceeding, no ground to suspect her being engaged in illicit traffic; that not an article of her cargo or equipment was of questionable character, and that the certificate of Commander Close himself, left at the time of capture, asserts his only object of search to have been "*to ascertain* whether she is engaged in the slave trade under false colors."

4. That Captain Watson refused to exhibit the schooner's papers at the demand of Commander Close; that he had previously stated his reason for doing so to that officer; and that when she was finally seized, he left his vessel, and went, as would seem, to Whydah on the 30th May; was attacked by the yellow fever, and died on the 15th July. You add that the fate of the "Lydia Gibbs" was equally expeditious; that she was taken to Sierra Leone, a considerable distance from Whydah, libelled in the vice admiralty court there, and condemned, solely for the non-production of papers, then far away in the hands of her dying master.

As regards the first two points, which relate to the movements of the "Lydia Gibbs," and to her having been at one time furnished with genuine papers, I have to observe that there is nothing contained in the statements in your note on these heads at all inconsistent with the fact of that vessel having been subsequently, and at the time of her capture, engaged in the slave trade, without colors or papers; and I do not propose, therefore, to offer any further comment on these points.

But with regard to the third point, in which you state that the

Lydia Gibbs" had given, by her course of proceeding, no groun
suspect her being engaged in illicit traffic, and that not an articl
her cargo or equipment was questionable, I have to state that th
information in the possession of her Majesty's government leads to
otally different conclusion.

Commander Close, in his report of the capture of this vessel, stat
s follows:

"On the morning of the 29th May, 1858, in latitude 6°.13 nort
nd longitude 2°.01 east, I chased and captured a fore-and-aft rig
hooner fully equipped for the slave trade; and at the time of capt
e had no papers or colors on board, but she bears the name on
ern of the 'Lydia Gibbs.' By the little information I could obt
om the people on board, (who called themselves passengers,) it wo
ppear that she filled up with fresh water and her slave cargo
avana, and that she had been boarded by her Majesty's ships 'Sharp-
ooter' and 'Hecla.' The money for the slaves and 150 casks of
pirits had been landed at Agubey or Popoe. There were seventeen
n board at the time of capture, half of whom were secreted under
atches.

"*In the hold I found the slave deck, a ground tier of water casks fu*
f fresh water, slave food for 600 *slaves, very large stove coppers, larg*
uantities of fire-wood, tin utensils, and wooden spoons for the slaves.

"The cargo of slaves for the 'Lydia Gibbs' had been marche
own from the town on the beach the day before I took her."

I cannot permit myself to doubt that you will see in the foregoin
eport of Commander Close a statement of facts totally inconsisten
ith the assertion that not an article of the "Lydia Gibbs's" equip
ient was of a questionable character, and that she had given, by he
ourse, no grounds to suspect her being engaged in illicit traffic.

But if further corroborative evidence were required of the illega
ature of the "Lydia Gibbs's" voyage, it will be found in an officia
mmunication received by her Majesty's government from the Unite
tates, dated the 1st June last, just two days after the capture of thi
essel by her Majesty's ship "Trident."

It is therein stated: "There sailed from Charleston, a short tim
nce, a schooner called the 'Lydia Gibbs,' commanded and owne
y a person named Watson, ostensibly on a voyage to the We
ndies, in the trade between which and Charleston Watson has bee
ngaged for twenty years. Until now, however, he has never had
essel of his own, but has sailed in the employ of Mr. Chapman,
erchant of Charleston.

"At the time of the vessel's departure no particular suspicio
ere entertained that she was about to engage in an illicit traffic; b
hen she arrived in the Havana she was sold to persons unknown f
ie sum of $12,000, (her whole cost when new having been $7,000
nd she has proceeded, under the command of Watson, to the coast
frica, manned by a crew of Americans, and, beyond doubt, und
er original American papers. The owner himself is a Scotchma
ut naturalized in the United States. He is to receive $6,000 for t
oyage, whether successful or not; $6,000 more if he escape detecti

and, in addition, a certain number of the slaves actually landed in Cuba for his own share.

"The schooner is said to be very fast, indeed, having been built for great speed, and furnished with every appliance for insuring it.

"At the present juncture it becomes important that her Majesty's government should be furnished with every possible proof of the shameless manner in which the flag of the United States is used to cover the slave trade."

Mr. Crawford, her Majesty's consul general in Cuba, also informed her Majesty's government that the "Lydia Gibbs" had been purchased by the slave traders in that island for the purpose of being employed in the slave trade.

These reports, from sources entirely different and unconnected with one another, must, in the opinion of her Majesty's government, force conviction on any impartial mind that the "Lydia Gibbs" was equipped for, and was engaged in, the detestable traffic in slaves at the time when she was captured by a British cruiser.

I now come to the fourth point alluded to in your note. It is thereby made to appear that the "Lydia Gibbs" was seized because Captain Watson refused to exhibit his ship's papers to Commander Close, to whom it is alleged that he had previously explained the motives of his refusal; and that Captain Watson having abandoned his vessel when she was finally seized, and having taken his papers with him, the "Lydia Gibbs" was sent to Sierra Leone, where she was condemned in the vice admiralty court solely on account of the non-production of her papers, then far away in the hands of her dying master.

The foregoing statement appears to have been made by some person unknown, whose account of what passed between Commander Close and the master of the "Lydia Gibbs" previous to and on the occasion of the capture of that vessel may be judiciously quoted. It runs as follows:

"Commander Close had either been schoolmate or playfellow with Captain Watson. At any rate, they were well acquainted with each other's family—so much so that they visited each other in a friendly way, until one day the subject of conversation turned upon the right of search, when Captain Watson promptly declared, should war take place on that account, he would fight for the flag under which he sailed, and would never submit to be searched; and, should such a thing be attempted on him, that he would abandon his ship, but would never show his papers, and would trust to his government to see him righted. This assertion on the part of Captain Watson so irritated Commander Close that he took his departure, swearing that he would find means to search the damned Yankee schooner yet. On the following morning, May 29th, he sent Captain Watson a note, directing him how to consign some cigars that he had previously ordered, and stating that he was going to sea for a cruise. The schooner also got under way the same morning, to proceed on her trading voyage, when she was abruptly ordered to heave to; and on being boarded by the officer of the steamer, her flag was torn down by him, and the British flag hoisted. On being asked by Captain

Watson the reason for such a course, he answered, I'll damn soon let you see, and without further delay ordered his men to search for the money, (slavers are supposed to always have a large quantity on board;) and so exasperated was he at not finding his darling prize-money, that he robbed every man on board, of not only money, but clothing, even to their shirt-buttons and rings. Captain Watson determined to abandon his vessel, which he did. On finding that he had not sufficient proof to condemn the schooner unless he could obtain her papers, Commander Close attempted to purchase them; and Captain Watson has been heard to declare that Commander Close had offered him the sum of one thousand pounds sterling if he would deliver up his papers.

"Captain Watson was making his way home, to present his case to the United States government, when he was taken sick with the disease which terminated his life."

Now, when such statements as those which I have just quoted are made the subject of an official representation to her Majesty's government, it might in justice be expected that some proof would be adduced in support of the serious charges brought against a British officer. But there is positively not a vestige of evidence of any kind. The whole of the foregoing statement is given, not by a person who could bear testimony to facts of which he himself was witness, but is founded on hearsay, the name of the person on whose authority it is made not even being mentioned. Indeed, it appears from the documents enclosed in your note that Mr. Summerfield, the person at Havana at whose instigation it would appear that the case of the "Lydia Gibbs" is taken up, never even saw the anonymous gentleman from Africa on whose alleged authority it is that the representation which you have been instructed to make to her Majesty's government is founded.

The case of the "Lydia Gibbs" appears to be a type of the usual course pursued by the Cuban slave traders in carrying on their traffic.

An American vessel is purchased, and although she has passed into the hands of Spaniards, and is no longer entitled to the protection of the United States government, she is sent to the African coast with her American papers and colors, and these protect her up to the moment when all her arrangements are made, and she is about to ship her cargo of slaves. Then, if detected by a British cruiser, the papers are usually destroyed and the vessel given up, or, as in the case of the "Lydia Gibbs," the papers are retained by the American master, and serve as a basis whereon representations are founded by parties connected with the slave trade, who endeavor to make use of a foreign government in order to prevent the interference of British cruisers with the slave trade.

I feel assured, sir, that your government, apart from all other considerations, cannot but view this case in the same light in which it is regarded by that of her Majesty.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MALMESBURY.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Memorandum.

MAY 14, 1859.

A despatch dated February 23, 1859, from General Cass to Mr. Dallas, United States minister in London, was communicated by Mr. Dallas to Lord Malmesbury. In the last paragraph of that despatch mention is made of the Ashburton treaty, and of the stipulations which require that each of the contracting parties shall maintain a squadron on the African coast for the suppression of the slave trade, carrying at least eighty guns. And it is further stated that if by mutual consent the number of guns were reduced, and small steam vessels substituted for sailing vessels, the service would be much more efficiently performed, and the expense not increased.

Lord Lyons has been instructed to state to General Cass that her Majesty's government entirely concur in his views on this point, and that they would be willing to consent to an arrangement by which the eighth article of the Ashburton treaty should be so altered that, instead of, as now, stipulating for the presence of a squadron carrying the aggregate number of eighty guns, it should provide for a certain number of steam vessels being kept on the coast, carrying not less than two guns each, or with such armament as the respective governments might think fit. Her Majesty's government are, however, of opinion that the number of vessels to be employed ought not to be less than ten; and Lord Lyons has been directed to propose that number to the government of the United States.

Lord Lyons to Mr. Cass.

WASHINGTON, *May* 23, 1859.

SIR: It appears from official reports which have been made to her Majesty's government, that the slave trade continues to be extensively carried on, on the African coast, and almost exclusively by vessels sailing under the American flag, and provided with genuine American papers.

It moreover appears that, while the American flag is made to cover a traffic which is declared to be piracy by the laws of the United States, and American citizens engage in it almost with impunity, the squadron or naval force of vessels of suitable numbers and descriptions, to carry in all not less than eighty guns, which the United States are bound by treaty to maintain on the African coast for the suppression of the slave trade, is practically reduced to one sailing vessel of twenty guns.

Commodore Wise, in a report to rear admiral the honorable Sir F. Grey, the commander-in-chief of her Majesty's naval forces on the African station, states as follows:

"Although American men-of-war on this station have acted with considerable energy during the last few months, yet their services can

be of small avail when, as you are aware, the disposition of the squadron may be stated as follows: 'Cumberland,' (flag,) 24 guns, visits the coast for a few weeks, generally twice a year. The 'St. Louis,' 20 guns, has never visited the coast, to my knowledge, since July, 1857. The actual cruising is divided between the 'Marion,' 16, and the 'Vincennes,' 20 guns; but for want of a depot of provisions at any other place than Porto Praya, within a few weeks after either of these vessels reaches St. Paul de Loando she is obliged to return for provisions to Porto Praya; and, as both vessels are seldom on the coast together, the United States squadron of eighty guns is reduced to one sailing corvette of twenty, present about nine months of the year. Their efforts to prevent the prostitution of their flag must, therefore, be unsuccessful "

This statement is corroborated also by reports which have reached her Majesty's government from other official sources, and her Majesty's government do not doubt that if the United States government will call upon the commander of their squadron on the African coast for a return of the number of days the vessels under his orders have been actually employed in cruising off the coast of Africa, it will at once be seen how inadequate have been the means employed to prevent the American flag from being used to cover a traffic which the government of the United States has solemnly repudiated.

Nor can it in justice be stated that there has been any exaggeration in the extent to which the United States flag has been used to cover the slave trade.

Besides the numerous vessels which have been captured during the past year by her Majesty's cruisers, the following vessels, sailing under American colors, and, it is believed, furnished with genuine American papers, are known also to have escaped with cargoes of slaves: The "Merchant;" the "Telegraph;" the "William Montague;" the "Blooming Youth;" the "Trovadore;" the "Charlotte;" the "Ellen;" the "Venus;" the "Wanderer." And to these may be added the several vessels taken by United States ships-of-war.

At the present moment her Majesty's government are in possession of information showing that not less than fifteen vessels, sailing under the American flag, and destined to be engaged in the slave trade, have either recently sailed, or are about to sail, from American and Cuban ports, and, although several of these vessels are known to have been sold to the Cuban slave traders, they still retain their American colors, and are furnished with American papers.

I am instructed by her Majesty's principal secretary of state for foreign affairs to bring to the notice of the United States government the state of things above depicted, and to express the hope of her Majesty's government that the measures proposed by the President, and concurred in by her Majesty's government, for placing small steam vessels on the coast of Africa, may, without loss of time, be carried into effect.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. LEWIS CASS, *&c., &c., &c.*

Lord Lyons to Mr. Cass.

WASHINGTON, *May* 27, 1859.

SIR: I am directed by her Majesty's government to acquaint you hat they have received an official report from Loando of the escape f the bark "Panchita," under American colors, with a cargo of laves on board, which she had succeeded in shipping at Manque rande, between Ambrizette and the river Congo. The character of his vessel and the nature of the traffic in which she was engaged ere perfectly well known to the commanding officers of several of her lajesty's ships, who had previously fallen in with her, but her colors, nd the American papers with which she was regularly provided, rotected her from all interference on the part of British cruisers.

It was reported at Loando that the "Panchita" left New York on he 6th of September last; that she was owned by J. T. Dobson of hat city, a name said to be well known in connexion with slave trade nterprises on the coast of Africa; that she was commanded by an merican citizen named P. R. Stanhope, and that she had on board wo Spaniards or Portuguese as passengers.

It is further stated that the same vessel was detained and sent to he United States by her Majesty's ship "Sappho," in May, 1857; nd that her escape is specially to be lamented, inasmuch as it will ertainly tend to inspire the slave traffickers with greater confidence in the security and protection afforded them by the American flag.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. LEWIS CASS, *&c., &c., &c.*

Mr. Cass to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 2, 1859.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 27th ultimo, advising me of the receipt by her Britannic Majesty's government of an official report from Loando of the escape of the bark "Panchita," under American colors, with a cargo of slaves on board, in which report the escape of that vessel is specially lamented, on the ground that it will certainly tend to inspire the slave traffickers with greater confidence in the security and protection afforded them by the American flag.

In reply I have the honor to state that the government of the United States regrets exceedingly to learn of the escape of the "Panchita," which has now a second time eluded the grasp of the law; but it is confidently hoped that the measures proposed by the President for placing small steam vessels on the coasts of Africa and Cuba

will, when carried into effect, do a great deal towards putting a stop to the abuse of the American flag for slave trading purposes.

I have the honor to be, my lord, with high consideration, your lordship's obedient servant,

LEWIS CASS.

Lord LYONS, *&c., &c., &c.*

Lord Lyons to Mr. Cass.

WASHINGTON, *June* 6, 1859.

SIR: I have been instructed by her Majesty's government to acquaint the government of the United States that Commander Bowden, of her Majesty's ship "Medusa," in a letter dated the 1st of March, at Badagry, in the Bight of Benin, has reported to the lords commissioners of the admiralty that on anchoring off that place he perceived a vessel in shore without any colors flying, and that, considering she might be engaged in the slave trade, he caused her to boarded. Finding her, however, to be the American barque "Catherine," and apparently a legal trader, he did not interfere with her.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

Hon. LEWIS CASS, *&c., &c., &c.*

Mr. Cass to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 7, 1859.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of yesterday, in which, under the instructions of her Britannic Majesty's government, you bring to the knowledge of the government of the United States the fact of the boarding by Commander Bowden, of her Majesty's ship "Medusa," of the American barque "Catherine," on suspicion of her being engaged in the slave trade.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

LEWIS CASS.

Lord LYONS, *&c., &c., &c.*

Mr. Helm to Mr. Cass.

No. 23.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, June 24, 1859.

SIR: I have the honor to inform you that on the 30th ultimo a bark of about three hundred tons burden was brought into this port by Captain Symmes, of the American schooner "Cumberland." This bark was found abandoned at sea, in perfect condition in all her appointments, about twenty-five miles from the Cuban coast. There is no doubt but that this abandoned vessel is the American bark "J. J. Cobb," and that she had landed a cargo of slaves in Cuba and was then deserted by her captain and crew. Captain Symmes, on entering this port, failed to hoist a flag, and the vessel was immediately seized by the Spanish authorities, who still hold possession of her.

I have claimed the vessel, appurtenances, and cargo, (worth, it is said, about $15,000,) as belonging to the finder as *derelict property*. In the discussion of this subject I find myself at a great loss for authority, as there is no book in my library, or to be found in Havana, which touches the question, and I have been compelled to rely solely upon my recollection of the principles of law which does or ought to govern the case; I therefore enclose herewith a copy of the correspondence between this consulate general and the authorities here on the subject, which will place you in possession of all the facts and of the points of law I make in the case, and have very respectfully to request, at your very earliest convenience, such instruction as the department may deem proper in the premises, and to be furnished with some authority on the subject of "*derelict property*."

I have the honor to be, with great respect, your obedient servant,
CH. J. HELM.

Hon. LEWIS CASS,
Secretary of State, Washington.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, June 1, 1859.

SIR: Captain William Symmes, master of the schooner "Cumberland," of New York, lying in the port of Havana, under date of the 30th ultimo, has made to this consulate the following report:

"That at 7 o'clock a. m., on the 30th, he boarded a bark, apparently of American build, and found her abandoned, with her sails set, excepting her courses, about twenty-five miles from the land—the Pan of Matanzas bearing S.SE.; he placed on board the said vessel his chief mate and two seamen, in order to bring her to Havana; got under weigh and arrived at this port at 4 p. m., and anchored the bark at the anchorage ground at the entrance of the harbor. The authorities of the port then came on board and assumed charge, bringing the bark up to the quarantine ground with the assistance of a

steamer; they subsequently took the mate out of the bark and sent the two men on board the Cumberland."

Captain Symmes, acting for himself, and on behalf of the owners, officers, and crew of his vessel, the "Cumberland," claims the property saved, and that the same be returned to him, unless some other person shall produce, within the term of the law, an undisputable title thereto, and in that event he, Captain Symmes, will claim salvage.

I am, furthermore, required to state that the Cumberland's men, if permitted, as it is believed they should be, to remain on the bark, would be sufficient, with the assistance perhaps of two or three others, to take care of the property, and therefore that no unnecessary expense should be incurred in keeping a large number of men on board the bark, as there are none. The sails, rigging, and other appurtenances, are reported to be in very good order, and if the vessel is to be in port for a considerable time, your excellency will easily perceive the propriety of their being put away for preservation from the effects of exposure to the sun, rain, &c.

All of which I lay before your excellency in compliance with the wishes of the salvor, and for the protection of his interests in the premises. At the same time I would respectfully request your excellency to communicate to this consulate what action your government has taken or intends to take respecting the bark in question, and any other information of importance bearing upon the subject that your excellency may be in possession of.

I have the honor, &c.,

THOS. SAVAGE,
Consular Agent in charge of the Consulate General.

His Excellency Sor Don JOSÉ DE LA CONCHA,
Governor, Captain General of the Island of Cuba, &c., &c.

OFFICE OF THE GOVERNOR, CAPTAIN GENERAL, SUPERINTENDENT OF THE EXCHEQUER OF THE EVER FAITHFUL ISLAND OF CUBA.—GOVERNMENT SECRETARY'S OFFICE, BUREAU OF THE EXCHEQUER.

In answer to the communication from that consulate of the 1st inst., relating to the claim of the master, owners, officers, and crew of the American schooner "Cumberland," respecting the saving of the vessel they brought to this port, having found her abandoned at sea, twenty or twenty-five miles distant from the coast of this island, I can only state to you that the parties interested must apply with their reclamations to the marine authorities of the station, as they are the ones called to decide upon the subject, in which understanding I transcribe your said communication to his excellency the commandant general.

God preserve you many years.

HAVANA, *June* 6, 1859.

JOSÉ DE LA CONCHA.

The CONSUL GENERAL *of the United States.*

MARINE COURT OF THE HAVANA NAVAL STATION.

In the proceedings instituted in consequence of the report made by the captain of this port, about the finding of a bark on the high seas by the captain and crew of the American schooner Cumberland, his excellency the commander-in chief of the naval station, with the advice of the auditor of the same, one of the justices of the royal audiencia, has been pleased to decree as follows:

"HAVANA, *June* 6, 1859.

"Let the captain and mate of the American schooner Cumberland ratify what they stated on page 18 and reverse of the same; the second mate and men of said vessel declaring what they know upon the finding of the bark to which the former refer. Let an authenticated copy of the crew list be annexed, in order that all the persons who formed the crew of the schooner, on the day that the bark was found, may appear. Make known to the captain and mate of the Cumberland that they are to produce their log-book, and take copies of what may appear therein, respecting the said finding; all through the interpreter of the court, who will also translate the log-book accompanying the proceedings. Cause the publication of the shipwreck, and summon, through the official journals of this city, during ninety days, all persons that may deem themselves with a right of ownership in the said bark, that they may present themselves, personally or by attorney properly authorized, before this court, with the warning that if not effected within said term they will suffer the consequent damage; inserting in the edicts all the circumstances and particulars that may appear from the inventory, that the owners may recognize the vessel. And cause to be made known to the captain, if he wishes, in behalf of himself and of the crew, to be a party in these proceedings, to name an attorney (solicitor) to act for him in this court, taking into consideration the character, interest, and right to them belonging, as the finders of the property in question. And inasmuch as, during the term of the publication, the effects on the vessel found might become decayed, inform the said captain if he has any person of responsibility and reliance to whom may be delivered, as a deposit, the goods and effects susceptible of decay belonging to the wrecked vessel—receiving his reply. And the licentiate Don José Delgado de Oramas is hereby appointed commissioner to receive, with the notary clerk of the court or his deputy, the declarations.

"ESTRADA.
"GALVES.
"L. PLACIDO M. BORREGO."

And, in virtue of the delegation vested in me by said decree, I have decided to address you these presents, requesting you to give the requisite orders, that the persons of your nation, to whom it concerns, and who are to testify as required in that decree, present themselves

for that purpose at the office of the notary of the marine court, within the official hours.

God preserve you many years.

HAVANA, *June* 8, 1859.

JOSÉ DELGADO DE ORAMAS.

The CONSUL *of the United States of America.*

MARINE COURT OF THE HAVANA NAVAL STATION.

In the proceedings instituted upon the finding by the American pilot-boat (schooner) Cumberland of a bark on the high seas, I have decreed, with the advice of the justice of the superior court, auditor of this naval station, to address you this, in order that you may please to furnish me a copy of the documents that were given to Captain J. S. Vent, of the bark J. J. Cobb, to effect a voyage from this port to Rio Congo, on the coast of Africa, in the month of December last past; that the same may produce the proper effects in the process. At the same time, you will have the goodness to require Captain William Symmes to appear at the office of the notary of this court, to become notified of a decree issued in the said process.

God preserve you many years.

HAVANA, *June* 20, 1859.

ANTONIO ESTRADA.

The CONSUL *of the United States of America.*

MARINE COURT OF THE HAVANA NAVAL STATION.

In view of your official letter of the 16th instant, relative to the finding by the American schooner Cumberland of a bark on the high seas, I have disposed, with the advice of the justice of the superior court, auditor of this naval department, to state to you that, according to article 12, title 6, of the ordinances of 1802, the effects proceeding from a shipwreck cannot be sold but at public auction, and one month after the publication; that this has been already ordered, and if it did not take effect before it has been for the purpose of having inserted in the edicts all information relating to the vessel found, in order that she may be recognized by her legitimate owner; that Messrs. Antonio Cabarga & Co. may present themselves as bidders on the day to be fixed for the sale at auction of the effects liable to decay; and that, until it is made to appear that the vessel has no owner, it is useless to discuss upon the part that accrues to the finder; but that to this party it may be of importance to show what for similar cases the laws of his country have established, because the rule that abandoned property belongs entire to the person that first takes possession of it, as in many other nations happens, is not admitted in that general way

in Spanish legislation, and this court doubts that it be so admitted by that of the United States, after having read your communication, founded solely upon the common opinion of law writers.

God preserve you many years.

HAVANA, *June* 21, 1859.

ANTONIO ESTRADA.

The CONSUL *of the United States of America.*

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, June 18, 1859.

SIR: His excellency the governor, captain general of Cuba, in a communication of the — instant, informed me that all questions connected with the bark which was found abandoned at sea by Captain Washington Symmes, commander of the American schooner Cumberland, and brought to this port, have been referred to your excellency.

This bark was found abandoned, with no living soul on board, over twenty miles from the Cuban coast, and the law writers lay down the rule, that in such cases the property, being derelict, belongs to the person who is the first to take possession of it, and therefore Captain Symmes, through me, claims the full and complete ownership of the bark, appurtenances, and cargo.

However, pending your decision of any question which may arise in the premises, I would very respectfully suggest that the cargo is of a perishable nature and should be sold at once, and would request that you give the necessary orders to effect such sale, and as it has been represented to me that you had intimated your willingness to do so, provided I would name some merchant to take charge and dispose of the same, I would suggest the Messrs. Antonio Cabarga & Co., and consent that they hold the proceeds of such sale subject to the final decision in the case.

I would also respectfully suggest that as the bark would greatly deteriorate in value, when exposed with rigging, sails, &c., in this climate, without great care, that she be placed in charge of Captain Symmes, with authority to him to paint the vessel, tar the rigging, and do anything else which may tend to preserve the vessel and appurtenances from decay, while she remains in this harbor, awaiting the result of your investigation. This course would save much expense, as well as preserve the vessel.

I would respectfully request that if the bark is to be advertised for ninety days, before being delivered or restored in whole to Captain Symmes, that the advertisement be published at your earliest convenience, as the captain is here at considerable expense and will remain until the case is finally disposed of.

I have the honor to be, with great respect, your obedient servant,

CH. J. HELM.

His Excellency Don ANTONIO ESTRADA,
Commander-in-Chief of H. C. M.'s Navy Station, &c., &c., &c.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, June 21, 1859.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, asking a copy of the documents given to the bark "J. J. Cobb," which sailed from this port for the coast of Africa in December last.

The bark "J. J Cobb" was regularly cleared at the custom-house of this city, and despatched at this consulate general upon presentation of said clearance, by giving to the master the ship's register, crew list and shipping articles, the papers usually given upon despatching a vessel, copies of which *entré* are not kept in this office. However, having received an intimation from his excellency the captain general that the vessel was suspected as intended for the slave trade, the papers were withheld for evidence to confirm said suspicion. As no proof was produced, I, upon written assurance from Messrs. Hammel & Co., and Messrs. Mora, Alfonso & Co., that the vessel had not been sold here and was intended for legal trade, and an affidavit by Captain Vent, in which he asseverates that the vessel was not intended for the slave trade, despatched her as above stated. If copies of these papers will be of service to your excellency, they will be immediately prepared and forwarded to you.

The register of the bark "J. J. Cobb" shows that she is owned by José A. Mora, of New York, was built at Robenston, in the State of Maine, in 1850, and that she is of 307$\frac{15}{95}$ tons burden.

Your excellency's communication of to-day has just reached me, I will reply to it on to-morrow.

I have the honor to be, with great respect, your obedient servant,
CH. J. HELM.

His Excellency Don ANTONIO ESTRADA,
Commander-in-Chief of H. C. M.'s Navy Station, &c., &c., &c.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, June 23, 1859.

SIR: I have the honor to acknowledge the receipt of your communication of the 21st instant, addressed, like your two previous ones, to the "consul of the United States" at Havana, no doubt through mistake.

In your note of the 8th instant, in the nature of a decree, you say: "And inasmuch as, during the term of publication, the effects on the vessel might become decayed, inform the said captain if he has any person of respectability and reliance to whom may be delivered, as a deposit, the goods and effects susceptible of decay, belonging to the wrecked vessel, receiving his reply," &c. In view of this suggestion, and of a similar request made by the interpreter of your excellency to the captain, in my note of the 16th instant, I say "pending your decision of any question which may arise in the premises, I would very respectfully suggest that the cargo is of a perishable nature and should be sold at once, and would request that you give the necessary orders

o effect such sale, and as it has been represented to me that you had ıtimated your willingness to do so, provided I would name some ıerchant to take charge of and dispose of the same, I would suggest ıe Messrs. Antonio Cabarga & Co., and consent that they hold the roceeds of such sale subject to the final decision in this case." In ıswer to this suggestion you say, "according to the ordinance of 302, shipwrecked effects cannot be sold but at public auction, and one ıonth after publication;" and again "that Messrs. Cabarga & Co. ıay present themselves as bidders on the day of sale." This strikes ıe as a very singular and incomplete reply to a suggestion partly rompted by your excellency's communication, and certainly reasona-le and founded in justice. The legislative authority of Spain certainly ever intended that perishable property should be kept for one month ›r publication before sale; such a conclusion would do violence to the risdom of your law-makers. This property has already been here ıearly one month, and I learn the odor from the vessel's hold, even ıow, is offensive; it therefore seems to me that your excellency, in assuming jurisdiction of the case, must have discretionary power as to the time of sale; and it is a matter of entire indifference whether the proceeds of any such sale are taken charge of by your excellency, or by a merchant, as we had a right to understand was a suggestion of your own.

Your excellency remarks that "until it is made to appear that the vessel has no owner, it is useless to discuss the question as to the part belonging to the finder, but that it may be of importance to show what, in similar cases, the laws of his country have established, because the rule that the property belongs entire to the person who first takes possession of it, as in many other nations happens, is not admitted in that general way in Spanish legislation, and this court doubts that it be so admitted in the United States, after having read your communication, founded solely upon the common opinion of law writers."

In reply to this remark of your excellency, I have the honor to say that this vessel is not, and was not a wreck, by the rule or definition of the term "wreck" to be found in any law book that I have met with. She was found and brought into this harbor in perfect condition, all of her masts standing, her yards crossed, her sails and rigging in good order, and without a leak, abandoned at sea; such a case as this has not happened before within the history of my government, and we have no statute on the subject; the principles involved would be there decided by common or international law, and principles of justice. We hold too that no matter what the Spanish statute or ordinance may be on the subject of "wrecks," this case should be controlled by international law and the usage of nations. The vessel was found out of the jurisdiction of Spain, and was then, as I have remarked, *derelict property*, by the laws of nations, and the bringing the vessel into this port could not deprive the finder of any rights of which he was legally possessed by the act of finding and taking possession of the vessel on the high seas.

If, as you state in your advertisement, this vessel is the bark "J. J. Cobb," she was at the time of being abandoned American property, and was owned by José A. Mora, of New York, as evidenced by her

register; being the "J. J. Cobb," we hold that unless there is proof of ownership in accordance with the laws of the United States, which, like all other governments, has the right to prescribe the evidence of ownership in vessels belonging to citizens of her nation, and after such proof, satisfactory evidence that the vessel was not intentionally abandoned, the finder is entitled to the bark, appurtenances, stores, and cargo entire.

I have the honor to be, with great consideration, your obedient servant,

CH. J. HELM.

His Excellency Don ANTONIO ESTRADA,
Commander-in-Chief of H. C. Majesty's
Naval Station, &c., &c., &c.

Mr. Cass to Mr. Black.

DEPARTMENT OF STATE,
Washington, June 30, 1859.

SIR: I have the honor to transmit herewith despatch No. 23, with the enclosures accompanying it, received from the United States consul general at Havana, respecting the bark "J. J. Cobb," found abandoned at sea by Captain Symmes, of the American schooner "Cumberland," and taken into Havana.

The vessel has been seized by the Spanish authorities at Havana, who still hold possession of her. The consul general requests to be instructed upon the subject. I will thank you to furnish the department with your views upon the law of derelicts, as applicable to this case, so that they may be communicated to the consul general at as early a period as possible.

I am, sir, your obedient servant,

LEWIS CASS.

Commodore Wise to the Secretary of the Admiralty.

"VESUVIUS," OFF THE CONGO, *July* 11, 1859.

SIR: With reference to a letter addressed to you by the commander-in-chief on the 20th of June last, reporting the circumstances attending the detention of the bark "Orion," claiming to be American, by her Majesty's ship "Triton," and her subsequent delivery to and capture by the United States corvette "Marion," I have now the honor to enclose a further statement from Lieutenant Burton, in which that officer adheres to his opinion that the papers of the "Orion" are not genuine. After a personal interview with Lieutenant Burton, in which I fully inquired into his proceedings, I find that himself and officers had great reason to doubt the right of the "Orion" to the flag she hoisted. The vessel was an undoubted slaver, fully equipped; her nationality was most doubtful.

ieutenant Burton, after weighing the case, being aware that if he ased her she would have shipped some 1,000 slaves in a week, sidered that he was but acting up to the spirit of his instructions the suppression of the slave trade by resolving to prevent her inten-, and accordingly handed the "Orion" over to the jurisdiction of uiser of the country to which she claimed to belong.

n adopting this course Lieutenant Burton disclaims any acknow-gment of the nationality of the "Orion;" but as she had Ameri-s on board, and prostituted the flag of the United States, he con-ered that in that country her captain and owners would be punished. n this course no one can for a moment attribute Mr. Burton's zeal mercenary object, for the master of the "Orion" repeatedly offered lestroy her flag and papers and surrender his vessel if he would be ured a passage to St. Helena. This offer was peremptorily refused, utenant Burton stating that the owners had fraudulently assumed flag of America, and must abide by the consequences. Under se circumstances, even if the "Orion's" register proves to be gen-e, I trust their lordships will attribute Mr. Burton's conduct to an or in judgment. I know that for the future he will turn a deaf ear similar cases to the calls of humanity, bearing in mind that the od of the unfortunate slaves murdered under the protection of the nerican flag will not be placed to his account, but to that of the ntry from whose port slavers are daily and undisguisedly clearing. It may not be out of place to remark that through Lieutenant Bur-'s intervention the slaver "Ardennes" was despatched to the United ates by the "Marion," while the Captain of the "Emma Lincoln," ing alarmed by two such instances, and having been interrupted by e boats of the "Vesuvius" when on the point of shipping at Ca-nda, has left the coast and returned empty to America.

I have, &c.,

CHARLES WISE,
Commodore, Senior Officer, coast of Africa.

The SECRETARY *of the Admiralty, &c., &c., &c.*

Lieutenant Commander Burton to Commodore Wise.

HER MAJESTY'S SHIP "TRITON,"
Shark's Point, July 18, 1859.

SIR: In reply to your memorandum of the 9th instant, enclosing memorandum from the commander-in-chief, dated the 30th of June, 59, relative to my retaining a bark under American colors, named Orion," I beg respectfully to make the following additional remarks the information of the commander-in-chief:

1st. On my visiting that vessel on the 10th and 11th April last *it s*, and *is still*, my belief that her papers were not genuine.

2d. The cause of my taking that vessel in tow and returning to ark's Point with her has already been given in enclosure marked of my letter of April 24, 1859.

3d. With respect to my letter addressed Captain Hanna, American bark "Orion," (enclosure D,) the word "American" was inadvertently used in the hurry of the moment, and seeing him suddenly preparing for sea, as I never for the moment supposed him legally entitled to fly the "American ensign."

4th. With respect to the declaration of Commander Brent, of the United States ship "Marion," as to the register of this vessel being genuine, I beg leave to observe that this same officer, in answer to a question from Commander Aplin, when at anchor off Whydah on the 19th June, 1858, (when he was requested to search a suspicious vessel under American colors by Commander Aplin,) as to whether he could detect a forged register, he replied *that he could not.*

5th. During the whole of my proceedings regarding the detention of this vessel my sole object was to endeavor to suppress the slave trade, and I believe that this intervention on my part was the cause of this vessel being captured, as well as the "Ardennes," as also the "Emma Lincoln" leaving the coast without shipping a cargo of slaves.

I have, &c.,

R. H. BURTON,
Lieutenant Commander.

Commodore CHARLES WISE, *&c., &c., &c.*

Lord Lyons to Mr. Cass.

WASHINGTON, *July* 15, 1859.

MY DEAR GENERAL: On referring to the unofficial note in which you were so kind as to communicate to me, on the 7th ultimo, some details respecting the additional vessels about to be employed in enforcing the laws of the United States against the slave trade, I find that the concluding passage is as follows:

"The Secretary of the Navy also informed me that the necessary instructions to be given to the officers commanding vessels assigned to this duty would be prepared within a few days. I shall not fail to send you a copy, as soon as the document is ready." This passage leads me to think it not improbable that Governor Toucey may have alluded to fresh general instructions to be issued to the American officers engaged in the suppression of the slave trade, and not merely to the special instructions as to the verification of the nationality of merchant vessels.

It seems likely that the addition of steamers to the squadrons on the African and Cuban coasts would suggest a revision of the general instructions; and in this case it would be natural that the Secretary of the Navy should contemplate a communication of these revised instructions being made to her Majesty's government, in accordance with the provisions of the Ashburton treaty.

I mention this, because we may, perhaps, have rather too hastily come to the conclusion, in our conversation this morning, that the

ructions referred to by the Secretary of the Navy were merely se respecting the verification of the nationality of merchant vessels, vhich copies were promised to my French colleague and myself in notes which you did us the honor to address to us on the 12th of r last.

uch being the case, you may, perhaps, think it right to cause fur- inquiries to be made at the Navy Department. If any fresh eral instructions have been issued to the United States squadrons he African or Cuban coast, her Majesty's government would be h gratified by receiving a copy as soon as possible. Being under impression that it was of such instructions that a copy was prom-, in your unofficial letter of the 7th ultimo, they instructed me (as id the honor to state to you this morning) to beg you to favor them h that copy at your earliest convenience.

'ray excuse my troubling you to read so long a letter. I thought night be as well to write to you, in this unofficial manner, in order be quite clear that we had not been mistaken when we talked of matter this morning.

Believe me, my dear general, yours faithfully,

LYONS.

Hon. LEWIS CASS, *&c*, *&c.*, *&c.*

Mr. Black to Mr. Cass.

ATTORNEY GENERAL'S OFFICE, *July* 26, 1859.

SIR: I have examined the correspondence which you have referred me in relation to the bark "J. J. Cobb." This vessel was found sea, abandoned by her crew, near the coast of Cuba, on the 30th of ay, 1859, by Captain Symmes, of the American schooner "Cumber-nd," and is supposed to have landed a cargo of slaves on the island. ptain Symmes took the bark into the port of Havana, where his im to salvage is undergoing judicial investigation. The American nsul general has asserted the right of the salvors to the whole ssel, as derelict property, and you have requested my views on the ality of this claim. It is very clear that it cannot be maintained. e-half of the property is as much as any court would award to them der the circumstances.—(2 Kent Comm., 421, note. The Aquila, Rob. Ad. Rep., 47; 1 Sumner, 336; 1 Mason, 372. The Imulous, 1 mner, 213.)

But I can see nothing, in the present condition of the case, to call the interference of this government. If a similar claim of a Span-subject were pending in one of our courts the executive authority ld not meddle with it. Captain Symmes has selected his own um, and it is to be presumed that he will obtain his rights.

Yours, very respectfully,

J. S. BLACK.

Hon. LEWIS CASS, *Secretary of State.*

Memorandum.

JULY 27, 1859.

It is stated that the bark "J. W. Reid," which was reported in August as having fitted out at Santiago de Cuba, under circumstances of great suspicion, has succeeded in embarking a large cargo of slaves at a spot contiguous to the river Congo and effecting her escape.

The "J. W. Reid" was fallen in with by her Britannic Majesty's ship "Conflict," but although the captain of the "Conflict" entertained no doubt of her criminal intentions, yet, finding that she was provided with correct American papers, he did not consider himself justified in interrupting her voyage. She subsequently proceeded to Ponta de Lenha, in the river Congo, where she is said to have landed a considerable sum in specie, and to have completed arrangements for receiving her human cargo, with which she sailed for Cuba.

Other vessels, wearing the American flag, are reported to have carried off, during the months of January and February, cargoes of slaves from the neighborhood of Loango.

It is stated that, up to the 5th March last, no American vessel-of-war had appeared on any part of the coast of Africa south of the equator since the corvette "Dale" left Loando in November last

The river Congo, which the British commissioner at Loando has frequently pointed out to the commodore and commander of the United States squadron, as the great resort of slave vessels using the American flag, and, indeed, the greatest stronghold of the traffic remaining on the coast of Africa, had, it is stated, on the 5th March last, been left without an American cruiser for six months or more.

Mr. Willis to Mr. Cass.

[Extract.]

ST. PAUL DE LOANDO, *July* 29, 1859.

SIR: The change from sailing vessels to steamers on this coast cannot help changing the face of the state of trade, and will, without doubt, help the legal trade, which has for some time suffered by the vessels coming on this coast for slaves, and, at the same time, having for part cargo articles used in legal trade, which are put into the market without regard to price, thus competing very unfairly with legal traders.

There has recently been a change in the English slave commission located at this place. Mr. Edmund Gabriel, who has been arbitrator, is now appointed commissioner, and Sir Henry V. Huntley, her Britannic Majesty's consul, has been appointed arbitrator and consul. Sir Henry left Loando for England on the 11th instant. * * *

Very respectfully, your obedient servant,

JOHN G. WILLIS,
United States Commercial Agent.

Mr. Morgan to Mr. Cass.

No. 227 South St., New York, *August* 3, 1859.

EAR SIR: Having left this city, mate on board the American bark rion," bound for a trading voyage on the coast of Africa, on the of January last, the "Orion" was boarded off Shark's Point, go river, by the commander of the British war steamer "Triton," itenant Robert Hern Burton, and was detained by him from the of April last until the 19th of the same month.

n being boarded by the British commander, the register and pa- were demanded and forced to be delivered, the American flag, captain and crew insulted, and bribes publicly and privately offered he captain and myself and crew, by the officers and crew, at the ance of their commander, to induce us to throw the papers over- rd, and deliver them the vessel as a Spanish slaver. These offers insults were repeated frequently every day during our detention a rough and drunken crew of sailors and officers, including the mander. One of their men-of-war had the American flag flying righten us to give up the vessel. The captain of the "Orion" died broken heart, caused by threats and insults from the British offi- , as will appear by the claims that will be made against the British ernment for our detention.

y the death of Captain John E. Hanna I succeeded to the com- nd of the "Orion." Commander Burton refused to sign my pro- or answer my letters. I only got one letter from him, detaining as per copy enclosed. As the bark "Orion" has been released, I am again about to proceed in command of her to the coast of ica, it becomes necessary for me to ascertain my rights in case this duct should be repeated by the British cruisers. It may be proper dd, in this connexion, that the British men-of-war do not dare to rd or molest French vessels, or even French slavers bound from coast of Africa to the West Indies with negro slaves on board, French cruisers never board American vessels except to procure visions or news, and then without claiming any authority to do so.

desire, therefore, a reply to the following queries:

st. Can any officer, or other person, belonging to any man-of-war reat Britain, or of any foreign power, board an American vessel ch has the American flag flying on the high seas, or in a foreign , without permission of the master of such vessel?

d. If such boarding of an American vessel should be so attempted hout the permission of the master of such vessel, will such master justified and sustained by the American government in repelling force such attempted boarding?

d. If such boarding should be effected, will the master of such el be justified by the American government in refusing to show he officers of such man-of-war his register or other papers?

s I mean to leave this port as soon as possible, I shall feel much ged by a reply at your earliest convenience.

have the honor to be, with much respect, your obedient servant,

THOMAS MORGAN.

on. Lewis Cass, *Secretary of State.*

HER BRITANNIC MAJESTY'S STEAM VESSEL "TRITON,
Shark's Point, April 18, 1859.

SIR: It is my direction that you remain at this anchorage until the arrival of the United States corvette "Marion."

By this communication you will understand that you are officially detained by me.

I am, sir, your obedient servant,

R. H. BURTON,
Lieutenant, Commander.

Captain HANNA,
American bark "Orion," off Shark's Point.

Mr. Helm to Mr. Cass.

No. 30.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, August 3, 1859.

SIR: I have the honor to enclose herewith translations of two communications received from the marine court of this city on the subject of the bark found abandoned at sea by Captain Symmes, together with a copy of my reply to the same, addressed to the captain general. These, with former enclosures, make the record in the case complete to this date.

I have the honor to be, with great respect, your obedient servant,

CH. J. HELM.

Hon. LEWIS CASS,
Secretary of State of the United States, Washington, D. C.

[Translation.]

OFFICE OF THE CHIEF NOTARY OF MARINE OF THE HAVANA STATION,
Havana, July 23, 1859.

In the process formed in consequence of the American schooner "Cumberland" having found on the high seas a bark abandoned, the Justice Don Mariano Paláu de Mesa, by virtue of a commission from the royal audiencia to institute the criminal cause pending before said superior court upon the landing of African negroes in the jurisdiction of Matanzas, has addressed a requisitory order that, in consideration of the reasons operating in the present case, this court of the royal navy shall abstain from cognizance of the proceedings upon the finding of that vessel; the said order having been communicated to the fiscal (crown attorney,) and this officer having stated what he deemed proper, his excellency the commandant general of marine of this station, with the advice of the auditor of the same, one of the justices of the royal audiencia, has issued a decree, of which the following is a true copy:

"HAVANA, *July* 21, 1859.

"The representations of the fiscal having been heard, the decree is transferred, for three days, to Mr. Washington Symmes, master of the Cumberland, and in his representation, considering what he stated in the proceeding on the folio 55 to the consul general of the United States of America in this island, who must despatch it through a *procurador* (attorney,) to whom will be delivered all the proceedings, making known to said gentleman that, after the expiration of said term, with what he may represent, and the same if he should make no statement, a decree will be issued upon the inhibition claimed in the communication of folio 68, there according in the latter case, to the party he represents, the damage that may be right.

"ESTRADA.
"GALVEZ.
"L. PLACIDO M. BORREGO."

Which I communicate to you, in compliance with what has been prescribed.

CARLOS DE ACOSTA.

The CONSUL GENERAL *of the United States of America.*

[Translation.]

MARINE COURT OF THE HAVANA STATION,
Havana, July 29, 1859.

The inhibition of this court having been required, by a commission of the royal audiencia pretorial, for the discontinuance and remission of the proceedings formed in consequence of the finding on the high seas, by the American schooner "Cumberland," a bark abandoned, because it is presumed that this is the vessel which, in the jurisdiction of Matanzas, landed African (bozal) negroes in the month of May last, I have deemed it proper, with the advice of the auditor of the naval station, to give up all cognizance in said cause, and that the same be passed to the said commission, as I effect it on this date, for its continuance; which I communicate to you for your information, and for, in case you should have any reclamation, you may apply to his highness (the royal superior court.)

God preserve you many years.

ANTONIO ESTRADA.

The CONSUL GENERAL *of the United States of America.*

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, July 27, 1859.

SIR: In a communication dated 6th ultimo your excellency informed me that all questions connected with the bark which was found abandoned at sea by the captain of the American schooner Cumberland,

ıd brought by him to this port, were referred to his excellency Gen- 'al Don Antonio Estrada, commander-in-chief of her Catholic Ma- sty's naval station, &c., &c.

On the 8th ultimo his excellency General Estrada addressed me ote, in which he says, in substance, that the vessel will be advertised ır ninety days, with all the circumstances connected with the finding f the bark, to enable all such persons as may claim the ownership of ıid vessel to come forward in person, or by attorney, and show claim) the property; and in a subsequent part of the same note he says: And inasmuch as during the term of advertisement the effects on ıe vessel might become decayed, ask the said captain if he has any erson of respectability and reliance to whom may be delivered as a eposit the goods and effects susceptible of decay belonging to the 'recked vessel, receiving his reply, &c." To which communication, n the 18th of the same month, after making such investigation as was racticable, I replied that the cargo was of a perishable nature and ıould be sold at once, and suggested Antonio Cabarga & Co. as the ersons who should take charge of the property; I also suggested that ıe bark would greatly deteriorate in value when exposed without roper attention in this climate, and requested that she be placed in harge of Captain Symmes, with authority to paint the vessel, tar the igging, and do anything else which would tend to preserve the vessel 'om decay while she remained in this harbor awaiting the result of is investigation; and that if she was to be advertised for ninety days, ıat the advertisement be inserted in the Gazette immediately. To ıis communication and these reasonable suggestions, drawn out by is previous notes, his excellency the general of marines gives the xtraordinary reply, in substance, that, "according to the ordinance f 1802, *shipwrecked* effects are not to be sold but at public auction, nd one month after publication, and that *Messrs. Cabarga & Co. ıay present themselves as bidders on the day of the sale.*" To this last ommunication of his excellency the general of marines I replied at ength, showing that the vessel was not a wreck; was discovered in erfect condition more than twenty miles from the Cuban coast; was *erelict property*, and, as such, belonged to him who first took posses- ion of her, unless a claimant should prove his property, and then how by competent testimony that the vessel was not intentionally bandoned, and claimed for the captain the unconditional delivery of he vessel, appurtenances, and cargo, at the expiration of the three ıonths; since when nothing has been heard from his excellency the eneral of marines, except to ask for copies of papers, which were fur- ished him, until Saturday evening, the 23d instant, (after office ours,) when a communication is received from Charles de Acosta, hief notary of marines, containing a decree transferring this investi- ation to the royal audiencia, in consequence of some criminal cause ending before that court, upon the landing of African slaves in the ırisdiction of Matanzas, and summoning Captain Symmes to appear efore this court within three days, by an attorney of the court, &c. 'opies of all the correspondence above referred to are herewith en- losed and made part of this communication.

The captain of the schooner Cumberland arrived at this port on the

0th day of May, bringing with him the bark, which was immediately ized by the authorities of this island, in whose possession she has mained to this time. The general of marines, to whom the case was ferred by your excellency, intimated in his several notes above re- rred to: First, that the bark would be advertised for ninety days, d we had a right, from the tenor of his letter, to infer that, if a claim- t did not appear and prove property in that time, she would be de- ered to Captain Symmes. Secondly, that if Captain Symmes would me a person, the perishable property on board would be delivered him for preservation. Thirdly, that by law the perishable property uld not be sold except at auction, and after one month's notice. And urthly, that the property was perishable, and would be sold at auc- on for the benefit of those interested. Instead of doing any of these ings, this bark has been permitted to lay in this harbor exposed to tropical sun, without care, and has deteriorated greatly in value by injury which could have been avoided by the attention of Captain ymmes, which was not permitted. The cargo, which should have een sold immediately, (for it is not believed that, by the Spanish law, erishable property must be kept one month before sale, for advertise- ment,) has not, even to this moment, been advertised for sale, and the advertisement of the vessel, after one, perhaps two, insertions in the Gazette, was discontinued; and now, I am informed, the cause has been transferred to some other tribunal, and is attempted to be mixed up with landing of African slaves in the district of Matanzas, and that Captain Symmes must appear in this new tribunal by attorney in three days, &c.

Captain Symmes sailed from this port some two weeks ago in com- mand of the schooner Cumberland to load at Matanzas for the United States; knows, as is believed, nothing about the landing of African slaves near Matanzas, and is not interested in any question connected with the slave trade or the landing of slaves in Cuba. His right to the possession of the bark and appurtenances, with cargo, does not de- pend on any question connected with any criminal or other cause pend- ing in any court of Cuba. The fact that he found this vessel aban- doned on the high seas, and brought her to a friendly port, is the only fact that he deems necessary to be established, or he could establish, to give him the complete ownership and possession of the property under the laws and usage of nations, of which right he could only be deprived by evidence of ownership, coupled with full explanation of accidental and unavoidable abandonment, in a reasonable time, say, ninety days. This fact has been established, clearly shown, and is well known to your excellency and to all the authorities who have had anything to do with this case. He, through me, declines to mix up his claim with any criminal or other prosecution whatever, and de- clines to employ any counsel other than his representative at this island, and insists upon all the positions assumed in my several despatches to the general of marines; and that his claim is not affected in any the slightest degree by the landing, even from this very bark, of a cargo of slaves in Cuba, or in any other place. That if a cargo of slaves had been landed from this vessel, she is still *derelict property*. The Spanish right to forfeiture could not attach until after seizure, and

clearly she could only be forfeited as the property of those who had violated the law. If a cargo of Africans had been landed from her and the commander had escaped the jurisdiction of this island, and the vessel had been sold to innocent purchasers, without notice of the violation of law, most clearly, upon returning to this island as the property of honest persons, the vessel could not be seized and forfeited because of a violation of law by former owners. The law does not seek to punish the vessel, but the dishonest persons engaged in a dishonest trade. Therefore, though she may once have been used in violation of law, the escape with her from Spanish jurisdiction, and having passed into other hands, even by a total abandonment on the high seas, made her as clearly *derelict property* as though she had never been engaged in other than lawful trade. Captain Symmes performed all the acts and labor which could have been performed in bringing any vessel into port under similar circumstances, perilled his own vessel and cargo, and risked a forfeiture of his policy of insurance by dividing his crew, and now gives notice to your excellency that he claims the unconditional surrender of the said bark, appurtenances, and the cargo, or value of the latter if it has perished by a neglect to dispose of the same, at the expiration of ninety days from his arrival at this port, unless claimants should establish a right to the property within that period, as hereinbefore expressed. Relying upon the wisdom and justice of your excellency, Captain Symmes rests satisfied that his rights will be awarded him.

I have the honor to be, with profound respect, your obedient servant,

CHARLES J. HELM.

His Excellency the GOVERNOR CAPTAIN GENERAL OF CUBA,
Marquis de la Habana, &c., &c., &c.

Mr. Cass to Mr. Dallas.

No. 190.] DEPARTMENT OF STATE,
Washington, August 12, 1859.

SIR: It has been represented to this department that the American bark "Orion," Hanna master, left New York on the 21st of January of this year, bound for a trading voyage on the coast of Africa that she was boarded off Shark's Point, Congo river, by Lieutenant Robert Hern Burton, the commander of the British war steamer "Triton," and detained by him from the 9th until the 19th of April last; that the register and papers of the "Orion" were demanded and forced to be delivered; that the American flag, the captain and the crew of the "Orion" were insulted, and that bribes, publicly and privately, were offered by the officers and crew of the "Triton," at the instance of her commander, to induce the captain and crew of the "Orion" to throw her papers overboard, and deliver the vessel as a Spanish slaver; and that the captain of the "Orion" died of a broken heart, caused by threats and insults from the British officers.

Mr. Moreau, the mate, who then succeeded to the command of the "Orion," has intimated to the department his intention to transmit

a statement of his claims for indemnification in this case, which, should they prove to be well founded, you will be instructed to present to the British government. In the meantime you will bring Commander Burton's alleged proceedings to the notice of her Britannic Majesty's minister for foreign affairs, and request that they may be fully investigated, and such measures adopted as the circumstances may call for.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Mr. Cass to Mr. Toucey.

DEPARTMENT OF STATE,
Washington, August 12, 1859.

SIR: I have the honor to transmit to you herewith the copy of a communication of the 3d instant addressed to this department by Thomas Moreau. It has reference to the conduct of Lieutenant R. H. Burton, the commander of her Britannic Majesty's war steamer "Triton," towards the American bark "Orion," in the river Congo, in the month of April last.

I have to request that you will be so good as to direct the commanding officer of our squadron on the coast of Africa to examine as far as he may be able into the matter, and to report the result of his inquiries for the consideration of this government.

I am, &c.,

LEWIS CASS.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

Mr. Dallas to Mr. Cass.

[Extract.]

No. 206.] LEGATION OF THE UNITED STATES,
London, September 1, 1859.

SIR: * * * * * * * * *

I annex the copy of a note addressed to her Majesty's principal secretary of state for foreign affairs in relation to the alleged misconduct of Lieutenant Burton towards the American bark "Orion."

* * * * * * * * * *

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

LEGATION OF THE UNITED STATES,
London, August 29, 1859.

MY LORD: The President has specially instructed me to bring to the notice of her Majesty's government, with a view to inquiry, the following acts of misconduct alleged to have been committed by Lieutenant Robert Hern Burton, commander of the British war steamer "Triton:"

It would appear that, on the 21st of January last, the American bark "Orion," Hanna master, sailed from New York, bound for a trading voyage on the cost of Africa; that on the 9th of April she was boarded by Lieutenant Burton off Shark's Point, Congo river, and detained until the 19th of that month; that her register and papers were exacted by force; her flag, her captain, and crew insulted; and that bribes were offered, publicly and privately, at the instance of Lieutenant Burton, to induce the captain and crew of the "Orion" to throw her documents into the sea, and to deliver her up as a Spanish slaver. It is stated, as one of the painful consequences of this proceeding, that Captain Hanna, under the menaces, humiliations, and responsibilities to which he was subjected, died of a broken heart.

The incidents, if ultimately established, are so calculated to create angry feeling, and to disturb the existing relations of the two countries, that no doubt is entertained of the readiness with which her Majesty's government would interpose to punish them and prevent their repetition. I have, therefore, to request that your lordship will cause the circumstances to undergo full investigation, with a view to the adoption of such measures as the result may require.

Begging your lordship to accept the renewed assurance of my most distinguished consideration, I have the honor to be, &c.,

G. M. DALLAS.

The Right Hon. Lord JOHN RUSSELL, *&c., &c., &c.*

Mr. Toucey to Mr. Cass.

NAVY DEPARTMENT, *September* 12, 1859.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th ultimo, enclosing a copy of a communication addressed to you by Thomas Moreau, in relation to the conduct of her Britannic Majesty's war steamer "Triton" towards the American bark Orion, in the Congo river, in April last, and to transmit herewith a copy of a letter, together with a copy of the correspondence which accompanied it, received from Commander T. W. Brent, commanding United States sloop Marion, respecting the case in question. These papers appear to contain all the facts connected with the detention and boarding of the Orion by the commander of the Triton, and will, it is presumed, render unnecessary the examination suggested in your letter of the 12th ultimo.

I am, very respectfully, &c.,

ISAAC TOUCEY.

Hon. LEWIS CASS,
Secretary of State.

UNITED STATES SHIP MARION,
Off Shark's Point, April 23, 1859.

SIR: I have the honor to enclose herewith copies of my correspondence with Lieutenant Commander Burton, of her Britannic Majesty's steamer "Triton," relative to his boarding, towing, and detaining the American bark "Orion," of New York, together with other papers hereunto appended, and marked as follows, viz:

A. My letter to Commander Burton, April 20, 1859.
B. Lieutenant Commander Burton's reply, April 20, 1859.
C. Lieutenant Commander Burton's letter detailing in full the circumstances of his visiting and detaining the American bark "Orion," dated April 21.
D. My letter in reply to his proceedings, dated April 22, 1859.
E. My letter written at the request of Lieutenant Burton, April 22, 1859.
F. Protest of John E. Hanna, master of the "Orion."
G. Extracts from the log of the bark "Orion."
H. Letter of chief mate, Thomas Morgan, to Lieutenant Commander Burton.
I. Letter of Lieutenant Commander Burton, officially detaining the bark "Orion."

By which you will be made fully acquainted with all the circumstances of the case.

I have the honor to be, very respectfully, your obedient servant,
THOMAS W. BRENT,
Commander.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

A.

UNITED STATES SHIP "MARION,"
Cape Padron, Congo river, April 20, 1859.

SIR: It appears by the log-book of the American bark "Orion," of New York, that on the 11th April you visited and examined the papers of that vessel to prove her nationality; that you declared those papers (register and port clearance) to be forgeries; that you would prevent the vessel leaving the Congo, and in the event of her attempting to do so, would tow her and give her up to the United States ship "Marion;" that afterwards you refused on grounds (which you stated verbally to me) to accede to the request of the mate to take the vessel to the "Marion."

That on the 14th, at 6 a. m., you came on board the "Orion," and informed Captain Hanna that you were about to tow his vessel to the "Marion," and gave him the alternative of unmooring and steering his own vessel, or of allowing you to do so; that Captain Hanna de-

ahead, steering directly for you, with the American ensig
fore, at first it was supposed to be the "Marion," but pro
the "Plato;" that after communicating with her, you alte
course and steered to the northward, towing the "Orio
towards the Congo; that about 8 p. m. you again communica
the "Conflict," and afterwards continued your course.
Saturday, the 15th, at 9.30 a. m., you anchored both vessels
Shark's Point; that Captain Hanna asked you if he was at l
proceed on his voyage, and you answered, no; and that if at
you would use force; that you supplied him water on his say
he was short of it.

During all these proceedings detailed above, the America
was constantly at the mizzen of the bark, where it had beei
by nailing, and the register in the possession of the master.

As I conceive, the only justifiable grounds that you could
the detention of the vessel was your belief that her registe
genuine, and in that case you had assumed a very grave respo

The register is in my hands, and I believe it to be genuine
her being engaged in the slave trade, that is another questio
my jurisdiction.

The remarks in the log-book contain charges of your hav
threats and intimidation to induce the captain to give up t
to you without colors or papers.

It will be my duty to make a full representation of the ca
shall be pleased to receive any explanation or statement wit
to the matter with which you may be pleased to favor me.

I will furnish you, if desired, exact copies of the remarks
in the log-book, and which I shall use in my official report.

The master's protest is in my possession.

I am, very respectfully, your obedient servant,

B.

HER MAJESTY'S STEAM VESSEL "TRITON,"
Shark's Point, River Congo, April 20, 1859.

SIR: I have to acknowledge the receipt of your letter of this day's date, relative to my visiting and detaining the American bark "Orion," of New York, between the 11th and 19th instant, the evening of which day you visited her in person; and, in reference to your communication, beg to request you will be pleased to furnish me with extracts from the log of the "Orion" during the above period, on the receipt of which I shall have much pleasure in affording you a detailed report of my proceedings regarding that vessel.

I am, sir, very respectfully, your obedient servant,

R. H. BURTON,
Lieutenant Commander H. M. S. V. "Triton."

Commander THOS. W. BRENT,
Commanding U. S. Ship "Marion."

C.

HER BRITANNIC MAJESTY'S STEAM VESSEL "TRITON,"
Shark's Point, River Congo, April 21, 1859.

SIR: In reply to your letter of the 20th of April, 1859, relative to my visiting and detaining the American bark "Orion," of New York, I have to inform you that I visited that vessel on the evening of the 10th instant, (accompanied by Mr. Edward C. Smyth, second master, and second in command of the Triton,) to prove her nationality. I examined her register, but not feeling satisfied of its authenticity I visited the bark on the following morning, again examined her register, and asked for her port clearance, and was then morally convinced that these documents were not genuine, and that she had a slave cargo on board.

I informed the master of her that he was at liberty to proceed to his destination, (Ponta de Lenha,) but I would not permit him to leave the Congo until I had communicated with you, fully believing that the American flag had been fraudulently assumed for the purpose of carrying on the slave trade. On the morning of the 13th Captain Hanna, of the "Orion," sent a request by the doctor of this ship that he wished to see me, and voluntarily (in the presence of Mr. Smyth) offered to abandon his ship to me as a prize, stating his reason for so doing "was that I had stated his papers to be false." I replied that I had no authority to take him if he was entitled to fly the American colors, but my only course would be to detain him, and deliver him over to an American ship-of-war. He then said, "What do you wish me to do?" I replied that he knew his own affairs best, and that it was not my duty to offer him any instructions; and then left the ship.

On the afternoon of the same day the second mate of the "Orion" brought me a letter from the chief mate of the "Orion," Mr. Thomas Morgan, a copy of which I have already given you, and said he would wait for an answer. On reading the letter, I replied that I would take him in tow on the following morning at eight a. m. On reading the letter a second time I perceived that if I complied with the wish expressed in it, I laid myself open to a charge from the captain, "of aiding the mate and crew to take possession of the ship out of his hands." On coming to this decision I immediately repaired on board, accompanied by Mr. Smyth, and requested to see the captain, and asked him if he was aware of the contents of this letter I received from the mate, and whether he knew it had been forwarded to me. He replied that the letter was read to him, but sent without his sanction. I then said that I would not comply with the request contained in it, but would certainly prevent the vessel leaving the river before communicating with an American man-of-war. Captain Hanna, though not well, told Mr. Morgan that he was quite capable of conducting the correspondence of the ship, and that he had been taking too much on himself. I then left Captain Hanna, telling him that I should not prevent his going up the river. He then said that he had no intention of leaving his present anchorage until he was perfectly able to work his own ship.

From the constant intercourse carried on between cargo boats and the "Orion," and suspecting they would land her slave cargo, I informed Captain Hanna on the morning of the 14th that I should tow him to the United States ship "Marion," and at 9.30 a. m. sent a party of men, in charge of Mr. Smyth, to weigh his anchor, attend to the hawsers and steering the ship, Captain Hanna having declined to act in any way whatever, and said I might do what I pleased with the vessel, but neither himself nor the crew would interfere or assist. I proceeded south, and on the 15th fell in with her Britannic Majesty's steamer "Conflict," when I received intelligence that in all probability I should find the "Marion" at St. Paul de Loando. In the afternoon of the same day I communicated with her Britannic Majesty's steam vessel "Pluto," the commander of which ship informed me that the Marion was at that port, and intended leaving in a few days for the Congo. Acting upon this information I returned to the Congo with the "Orion," for the purpose of awaiting the arrival of the Marion, and anchored off Shark's Point on the 16th.

Soon after anchoring Captain Hanna sent a request to see me. I repaired on board, and in the presence of Mr. Smyth asked Captain Hanna why he wished to see me. He replied, "I wish to know what you are going to do with me now." I answered that I should detain him until the arrival of the "Marion," and withdrew my officer and men from the vessel, telling Captain Hanna that I had safely placed his ship in her former anchorage.

On the afternoon of the 18th, seeing the "Orion" preparing to weigh, the wind and current being strong out of the river, I concluded that Captain Hanna was endeavoring to proceed to sea. I therefore sent Mr. Smyth to acquaint him that I would not permit him to leave his anchorage, when he immediately replied that he did

not consider himself officially detained unless I sent a party of men to take possession of the ship, or give him official information in writing. Consequently I wrote to detain him.

During the whole of my visits I emphatically deny that any threats or intimidations whatever were used by me, or any of the officers belonging to the "Triton," to induce Captain Hanna to give up his ship, or destroy his papers or colors. I also distinctly deny asking the second mate what he would take to run, or having held any conversation to that effect with him. On several occasions, between the 11th and 19th, the captain and chief mate disavowed all knowledge of the nature of their cargo, also stating that neither of them had known the ship but one day before they joined her, and that was the day before leaving New York.

On my asking the chief mate why he lashed the colors to the mast-head, he stated that it was not from fear that the English would haul them down, but that he was afraid his own crew would do so.

During these proceedings the sole object I had in view was to carry out my instructions, and to act cordially and jointly with the officers of the United States navy for the suppression of the vile traffic of the slave trade.

I am, sir, very respectfully, your obedient servant,

R. H. BURTON,
Lieutenant Commander H. B. M. S. V. "Triton."

I hereby certify that I was present on all occasions herein mentioned.

EDWARD SMYTH,
Second Master H. B. M. S. V. "Triton."

Commander THOS. W. BRENT,
Commanding U. S. Ship "Marion."

D.

UNITED STATES SHIP "MARION,"
Shark's Point, Congo river, April 22, 1859.

SIR: I have to acknowledge the receipt of your letter of yesterday's date, relative to your boarding and detaining the American bark "Orion," of New York.

Though I cannot admit your right to exercise any control over a vessel claiming to be American unless you assume all the responsibility of pronouncing her not entitled to the flag, yet I am free to admit that in the present case you appear to have acted under a sense of what you consider to be your duty.

It is my duty and inclination to reciprocate your sentiments of good will in carrying out our respective instructions for the suppression of the slave trade.

It will give me great satisfaction to forward your letter, together with my report and the other papers connected with the case.

I am, sir, very respectfully, your obedient servant,

THOS. W. BRENT, *Commander*,
Commanding U. S. S. "Marion."

Lieut. Commander R. H. BURTON,
H. B. M. S. "Triton."

E.

UNITED STATES SHIP "MARION,"
Shark's Point, Congo river, April 22, 1859.

SIR: Having already given you my opinion relative to your boarding and detaining the American bark "Orion," I have now no hesitation in adding, agreeably to your request, that without your intervention it is highly probable I could not have effected the capture of that vessel.

I am also much obliged to you for important testimony contained in the explanation with which you furnished me of your proceedings in that case.

I am, sir, very respectfully, your obedient servant,

THOS. W. BRENT, *Commander.*

Lieut. Commander R. H. BURTON,
H. B. M. S. "Triton."

F.

I, John E. Hanna, master of the good bark "Orion," of and from the port of New York, and bound to Ponta da Lenha, in the River Congo, did, on the 10th instant, anchor my ship off the mouth of said river, and was, on the 11th instant, boarded by and unlawfully detained by the officer commanding her Britannic Majesty's steamer "Triton," he having examined my vessel's papers to prove her nationality; and that, on the 14th instant, he, the British commander, did put on board my vessel an officer and men, unmoored and took her to sea in tow of the steamer, meeting and conferring with two other British cruisers; and that, after having my vessel in tow for forty-eight hours or thereabouts, he did again bring the vessel up at her former anchorage, and will not allow her to proceed to her port of destination.

I do hereby declare and protest against this proceeding, on the part of the British commander, as calculated to injure the interest of my

owners to a very serious extent, and, as their agent, I shall seek reparation for every damage sustained thereby.

Given under my hand this eighteenth day of April, one thousand eight hundred and fifty-nine.

J. E. HANNA, *Master.*
THOMAS MORGAN, *Mate.*
THOMAS CAROLAN, 2*d Mate.*

G.

Extracts from the log of the American bark "Orion," from New York, towards the west coast of Africa.

Sunday, April 10, 1859.—At three made the land, distant five miles, and spoke the British war steamer "Pluto," lying at anchor fourteen fathoms, lat. 6° 50′ S., long. 12′ 26″ E. Hove to, and was boarded by an officer. Wind fell light, and current setting strong to the southeast. At eight anchored in seven fathoms off shore, two miles.

At 1 p. m. hove up and made sail, with light breeze from the eastward; off shore two miles and a half; lat. 6° 30′ S. At five rounded Cape Padroon. At six anchored about two miles northeast of do., (Cape Padroon,) in seven fathoms water, alongside her Britannic Majesty's steamer "Triton," the commander of which vessel visited the ship, together with an officer, and examined our ship's papers. I requested the attendance of his doctor, which was readily granted, Captain Hanna being (as I considered) dangerously ill, not having had a passage through his bowels for some days; for this reason, by the captain's request, the ship was anchored here, in order to obtain for him medical advice, the sea breeze being set in, and favorable for proceeding up the river at the time.

Monday, April 11, 1859.—During the morning was visited by the commander of the steamer, who, in my presence, declared our papers (both register and port clearance) to be forgeries, saying he holds a true copy of our vessel's register in his possession.

During the evening he again visited the ship, and had a conference with Captain Hanna, the result of which was a promised visit tomorrow morning.

I, Robert Hern Burton, lieutenant in her Britannic Majesty's navy, and commanding her Britannic Majesty's steamer "Triton," boarded this vessel this day, and examined her papers to prove her nationality. No complaint is made by the captain.

Given under my hand, off Shark's Point, River Congo, this eleventh day of April, 1859.

R. H. BURTON, *Lieut. Commanding.*

Tuesday, April 12, 1859.—At light lashed our colors to the mast-head; the commander of the steamer having intimated to me yesterday his opinion that were he to insist on opening our hatches we would immediately destroy both colors and papers, induced me to take this step, it being my firm and declared opinion to him yesterday that the vessel was not engaged in illegal trading, nor our flag prostituted for any illegal purpose. At 8 a. m. he visited the vessel, and, with Captain Hanna's consent, made the above memorandum in the log, saying he should prevent us leaving the Congo, and in the event of us attempting to do so, he would tow our vessel to, and give her up to, the United States corvette "Marion." Captain Hanna remains in a very weak state, and this interference on the part of the British commander tends to retard his recovery and make him worse.

Wednesday, April 13 —During the morning the British commander visited our vessel, and had some conversation with Captain Hanna in his cabin. After his leaving our vessel Captain Hanna sent for me, telling me he proposed abandoning the vessel as a prize to the British vessel, the British commander having declared if he did not do so he would get up steam and tow us to the United States ship "Marion," and would shortly be on board to receive his (Captain Hanna's) final answer; but in order to do this it was necessary to destroy both colors and papers. I replied, that with my consent it should not be done. I would not willingly yield up myself or the vessel into the hands of the British commander; neither would I consent that our colors should ever be hauled down to a British vessel. The ship's company were then called aft by Captain Hanna's request, when a similar proposition was made to them. The crew replied that they were not conscious of having done anything illegal; that if it were necessary to give up the ship, they would prefer being given up to a ship of their own nation.

At 12.30 p. m. the British commander again visited the ship, telling Captain Hanna, in my presence, he had not done what he (the British commander) expected, and was come to receive his final answer. Captain Hanna hesitated, saying he had not time to make up his mind. The British commander said his patience was exhausted, and our vessel should not leave her present anchorage. After his leaving our vessel I asked the ship's company if they were willing I should write him a request, on their part and my own, to tow our vessel to the first United States ship-of-war he could find; otherwise, to the nearest United States consul. They cheerfully consented, saying they were anxious it should be done. I accordingly wrote Lieutenant Burton, stating I was delegated by the crew to request that he would immediately (or as soon as convenient) tow and give us up to the nearest United States ship-of-war or United States consul, as he himself had distinctly asserted the ship's papers to be false, and that he would prevent her leaving her present anchorage, and from proceeding on her intended voyage. I received a verbal answer from him, saying he would be alongside the ship at 8 a. m. to-morrow morning. In a few minutes, however, he came on board and asked Captain Hanna if he had authorized me to write him; to which Captain Hanna re-

lied he had not, but had seen and heard the letter read, previous to s being sent, and expressed his opinion it would do no good.

The British commander then told Captain Hanna that he had in-nded towing the vessel to the "Marion," but this letter would revent him doing so; that he was at liberty to proceed on his voy-ge, but that he would take care our vessel should not again leave the ongo. About 5 p. m. the gentleman who came passenger with us rom New York came on board bringing refreshments, and tells me hat after leaving our vessel on Monday last, he was taken on board he steamer and his baggage overhauled.

Thursday, April 14.—At 6 a. m. the British commander came on oard, telling me he had a request to make to Captain Hanna, in my presence, which was as follows: I am about to tow your vessel to the "Marion;" will you unmoor and steer your vessel, or shall I do so? Captain Hanna's reply was: If you take the vessel do what you please with her; myself or crew shall not assist or interfere. At 9.30 the steamer came alongside, put men on board to heave our anchor up, and made a hawser fast for towing, hove up the anchor and towed our vessel to sea; a British officer on board in charge; steamer towing us slowly to the southward. At 6 p. m. the commander of the steamer came on board, and remained until after 9.

During Lieutenant Burton's stay on board our vessel, (say from 6 to 9 p. m.,) he did, in presence of Captain Hanna, remark that were I to find a certain sum of money on the cabin table, it would induce me to alter my opinion—meaning that I would consent to yield the ves-sel up as a prize. After his leaving our vessel I was told by the sec-ond mate that Lieutenant Burton had called him aside and asked him what he would take to run. His reply was: I will take my two legs, if obliged to run. He (Lieutenant Burton) also told the passenger, while sitting in the cabin, that he intended to give him up, (together with the ship's cook,) to the Portuguese authorities, when he would surely be hung. These and many other things were used by the Brit-ish commander, in order to intimidate and induce our captain to give up the ship. Captain Hanna remains in a very weak and ner-vous state, and we are in constant attendance on him night and day.

Friday, April 15, 1859.—At daylight saw the British war vessel "Conflict" at anchor; about 8 a. m. came up with her; captains of British vessels conferred; after a short time proceeded slowly to the outhward. About 2 p. m. a vessel hove in sight right ahead, steer-g directly for us, under all sail, with an American ensign flying. t first we supposed her to be the United States ship "Marion," but n her nearer approach saw it was a steam vessel under sail, which oved to be the British war steamer "Pluto." The commanders of e steamers conferred, after which the "Triton" put her head north-ard, and towed us back towards the Congo. About 8 p. m. stopped short time alongside the "Conflict," and again proceeded north-ard.

Saturday, April 16, 1859.—At 9.30 a. m. anchored off Shark's oint, near the place we left. "Triton's" men left, their officers maining on board. Commander of steamer visited our vessel, by aptain Hanna's request; Captain Hanna asked him if he was at

liberty to proceed on his intended voyage; he answered no, and if we attempted to do so he should use force to prevent us. Captain Hanna told him he had not got good water on board; he answered, I will supply you. At 5 p. m. Captain Hanna sent me on board the steamer to inquire if the commander would prevent us sending up the river to hire a boat, in order to communicate with the United Statas consul at Loando; he said no. At 6 p. m. our passenger left the vessel in a passing launch. During the night a boat from the steamer lay anchored near our stern.

Sunday, April 17, 1859.—Daylight, sent on board the steamer, and was supplied with water.

THOMAS MORGAN, *Chief Officer.*

H.

HER MAJESTY'S STEAMER "TRITON,"
Shark's Point, April 13, 1859.

The following letter is a true copy of the original now in my possession.

R. H. BURTON,
Lieutanant Commanding.

AMERICAN BARK "ORION,"
Off Shark's Point, April 13, 1859.

SIR: Captain Hanna having proposed to myself and the ship's company to abandon our vessel to you as a prize, stating his reasons for so doing is, that you have declared his papers to be false or forgeries. Captain Hanna being so unwell that he is unable to conduct or manage the vessel himself, I am delegated by the ship's company to request, that if you suspect our vessel to be illegally employed, (of which we are utterly ignorant,) you will immediately, or as soon as convenient, tow, and give us up to the first United States ship you fall in with, otherwise to the nearest United States consul; yourself having told me, you would not allow our vessel to leave her present anchorage.

I have the honor to remain, sir, your obedient servant,

THOMAS MORGAN,
Chief Officer, American Bark "Orion."

The COMMANDER *of her Britannic Majesty's Steamer "Triton."*

I.

HER BRITANNIC MAJESTY'S STEAM VESSEL "TRITON,"
Shark's Point, April 18, 1859.

SIR: It is my direction that you remain at this anchorage until the arrival of the United States corvette "Marion." By this communication you will understand that you are officially detained by me.

I am, sir, your obedient servant,

R. H. BURTON,
Lieutenant Commanding.

Captain HANNA,
American Bark "Orion," off Shark's Point.

Mr. Dallas to Mr. Cass.

No. 209.] LEGATION OF THE UNITED STATES,
London, September 14, 1859.

SIR: My No. 206, of the 1st instant, conveyed to you the copy of a note addressed to her Majesty's principal secretary of state for foreign affairs, respecting the misconduct of Lieutenant Burton in boarding and detaining the American bark "Orion" on the western coast of Africa, as detailed in your Nos. 189, 190.

I have now the honor to transmit the copy of a note in reply to my communication dated August 31, but received on the 9th instant. The prompt condemnation of Lieutenant Burton's proceeding, and the other contents will, I presume, be accepted as satisfactory.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *August* 31, 1859.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th instant, stating that you have been instructed by the President to bring to the notice of her Majesty's government the misconduct of Lieutenant Burton, commander of her Majesty's ship "Triton," in boarding and detaining the American bark "Orion" off the African coast in the month of April last.

I have the honor to acquaint you in reply, that her Majesty's government have already received from Rear Admiral Grey a full report on the transactions referred to in your letter, and it appears that the admiral, on being made acquainted with them, at once intimated to Lieutenant Burton that he entirely disapproved of his conduct; and it further appears that the admiral would have brought that officer to a court martial for disobeying the orders by which he was prohibited

from interfering with American vessels, if he had been able to convene a sufficient number of officers to form the court.

The lords commissioners of the admiralty have approved Admiral Grey's proceedings, and I instructed Lord Lyons by the mail of the 23d ultimo, to communicate to General Cass the censure passed on Lieutenant Burton; and I doubt not that the government of the United States will see in the course adopted on this occasion, a further proof of the determination of her Majesty's government to restrain their officers engaged in the suppression of the slave trade from any acts of which the government of the United States would have just reason to complain.

I think it due, however, to Lieutenant Burton to add, with reference to that passage in your letter in which he is accused of tampering with the mate and crew of the "Orion," that it appears from the correspondence which passed between Lieutenant Burton and the commander of the United States sloop-of-war "Marion," on the occasion of the detention of the "Orion," that Lieutenant Burton most emphatically denied that threats or intimidation of any description whatever had been used by him, or by any of the officers belonging to her Majesty's ship to induce Captain Hanna, the master of the "Orion," to give up his ship or to destroy his papers or colors.

I must also observe that, whatever may be the character or destination under or for which the "Orion" sailed from New York, the information which her Majesty's government have received respecting her, tends to show that she had been sold to parties in the Havana, and was engaged on a slave-trading venture when she was detained by her Majesty's ship "Triton;" and this information is corroborated by the result of the examination of the Orion's cargo made by Captain Brent, the commander of the "Marion," for it was then ascertained that the "Orion" had on board two large slave coppers, a complete slave deck, a ground tier of water, (about 4,000 gallons,) a great quantity of extra water-casks and other articles, and a large quantity of medicines, which, in the opinion of the surgeon of the "Marion," were suited to meet the requirements of a numerous party of slaves, and which might be safely administered by persons who had not received a professional education.

Her Majesty's government, however, deeply regret that any interference with the American flag calculated to disturb the friendly relations which subsist between her Majesty and the United States should have taken place.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. RUSSELL.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Messrs. J. & T. A. R. Webster to the President.

NEW YORK, *September* 30, 1859.

DEAR SIR: We take the liberty of addressing you in relation to the bark "J. J. Cobb," now lying in the harbor of Havana, Cuba, of which we, together with Captain Washington Symmes, are the owners. The circumstances are as follows:

Nearly four months since Captain W. Symmes, of the schooner "Cumberland," bound into Havana, when near that port, boarded the bark "J. J. Cobb," and found her abandoned and derelict. He put some of his men on board, and towed her into the harbor of Havana, a friendly port, and there anchored her, and placed one man on board in charge. The Spanish government took upon itself the responsibility of advertising for the owners, and at the end of the time of advertising, (three months,) no parties coming forward to claim her, she should belong to the parties who found her; but it appears they are not willing to allow it thus to be, and the supreme court in the island has taken the case up, and are endeavoring to prove that the vessel landed a cargo of slaves, and if that is proved, according to Spanish law the vessel must be broken up.

Now, if the vessel is broken up, who is to pay the captain and owners of the schooner "Cumberland" for the risk and expense of towing the vessel into Havana?

We claim that the Spanish government have no more right to the vessel than any other government, and after she was advertised and no owners came forward she should have been delivered to us. One of our firm is in Havana, but thus far has been unable to do much. We think that it is unquestionably the duty of our government to take the case in hand and protect the lawful property of its citizens. We claim that we have as much right to protection in Havana as if the vessel had been brought into any port in the United States.

As the American consul is not now in Havana, we fear the case is not properly attended to, and would be obliged if you would give this case a careful consideration, and instruct the vice-consul to see that the vessel is delivered to us.

Awaiting your reply, we remain, very respectfully, yours, &c.,

JOS. & THOS. A. R. WEBSTER,
36 *South street.*

His Excellency JAMES BUCHANAN,
President of the United States, Washington, D. C.

Mr. Savage to Mr. Appleton.

No. 37.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, October 6, 1859.

SIR: A bark called the "Pamphylia," of New York, of 252$\frac{15}{95}$ tons burden, commanded by John Peterson, and owned by José A. Mora, merchant of New York, cleared at this office on the 21st ultimo, in

ballast, for Omoa, Honduras. During her stay and after her departure, it has been rumored that she was sold in this port, and that her real destination is the coast of Africa, to bring negroes. Although this information as to the sale did not reach me in such form that I could place any reliance upon it, yet I inquired of the captain, and he positively denied that she had been sold. However, it is certain that he attempted to discharge two men of his crew without complying with the law, and had actually paid them two months extra wages each on board; but, upon the men subsequently presenting themselves to me, he alleged that they were mutually dissatisfied, and he had adopted that as the best plan; these two men were discharged by me according to law. Since the sailing of the ship it has been reported that, after obtaining his papers from the consulate, the captain got rid of all his crew, excepting two men shipped here, took a crew of Spaniards or Portuguese, and that the ship sailed with them, and it is even rumored that Captain Peterson did not go in her. I have heard that the mate, John Thompson, and the steward went to New York in the bark John Benson; the second mate, C. A. Sampson, in a Norwegian vessel, to Europe; two of the men to New Orleans; one of the crew was here several days after the departure of the Pamphylia; he acknowledged to me that the captain had paid him off, with two months extra wages; but he would not give me his affidavit of the fact, and declined to be used as a witness.

The "Pamphylia" did not load here, but if she has actually gone on a voyage to Africa, she has probably taken a cargo at some out of the way cay, or from coasting craft at sea. She is owned, per register, by the same person that appeared as owner of the "J. J. Cobb," when this vessel went to Africa last winter.

The affair of the "J. J. Cobb" is still before the real audiencia. By request of the finders, I preferred their claim in a communication to the president of the court. The president courteously and promptly answered that the claim would be presented by him to the court, and that no unnecessary delay should be permitted in bringing the matter to a termination. I am informed also that the governor general in a communication to the court favors the claim of the finders.

Referring to the case of the brig "C. Perkins," the superior court decreed last April the return of this vessel to her consignee, or captain, if the marine or admiral's court did not deem it expedient to continue the prosecution against the parties that sunk her; all the parties imprisoned were acquitted and set at liberty. The admiral's court seems to have dropped the case also. But the consignee will *have nothing* to do with the vessel, and there is no captain or owner to claim her; and here she lies, ostensibly an American vessel, and deteriorating every day. The court, while the trial was proceeding, ordered some repairs upon her, which, with some other expenses for her preservation, amount to $700 or $800. I am quite certain if the consulate claimed the brig to send her to the United States, or dispose of her in some way, she would be given up immediately, but the court would expect us to pay that money. It would be desirable to have instructions from the department on the subject, as the property has *some* value; the person taking care of it begs to be relieved of it, and

consequently the consulate may soon be called upon by the court or authorities to act in the matter.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
United States Vice-Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State of the United States, Washington.

Mr. Cass to Mr. Dallas.

No. 202.] DEPARTMENT OF STATE,
Washington, October 6, 1859.

SIR: Your despatches to No. 207 have been received.

I transmit herewith, for your information and guidance, a copy of a communication from the Secretary of the Navy, of the 12th ultimo, embracing a report, &c., of Commander Brent, of the United States ship "Marion," upon the case of the bark "Orion," which formed the subject of my No. 190, of the 12th of August last.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

G. M. DALLAS, Esq., *&c., &c., &c.*

[The communication referred to in the above is placed in its chronological order in this correspondence.]

Mr. Appleton to Messrs. J. & T. A. R. Webster.

DEPARTMENT OF STATE,
Washington, October 7, 1859.

GENTLEMEN: Your communication of the 30th ultimo, relating to the bark J. J. Cobb, which was found abandoned at sea, near the coast of Cuba, on the 3d of May last, by Captain Symmes, of the American schooner Cumberland, and taken by him into the port of Havana, has been received.

In reply, I have to state that a report of the occurrences in respect to this vessel was made to the department by the United States consul general at Havana; and the opinion of the Attorney General was requested, in June last, touching the duty of the consul general in the premises. In the reply of the Attorney General to the inquiry of the department, he states that "the right of the salvors to the whole vessel as derelict property, as asserted by the consul general, it is very clear cannot be maintained. One-half of the property is as much as any court would award to them under the circumstances.—(2 Kent's Comm., 421, note; the Aquila, 1 Rob. Ad. Rep., 47; 1 Sumner, 336; 1 Mason, 372; the Emulous, 1 Sumner, 213.") The Attorney General added that he "can see nothing in the present condition of the case

to call for the interference of the government. If a similar claim of a Spanish subject were pending in one of our courts, the executive authority could not meddle with it."

You will perceive, therefore, under this opinion, that the department cannot accede to your request to instruct the vice-consul general "to see that the vessel be delivered to you."

I am, sir, your obedient servant,

JOHN APPLETON,
Assistant Secretary of State.

Memorandum.

OCTOBER 10, 1859.

The operations of the United States squadron employed for the suppression of the slave trade appear to be seriously impeded by the want of definite authority to regard the discovery of articles usually found only on board vessels engaged in that unhallowed traffic as sufficient ground for treating as a slaver (in the absence of proof to the contrary) the vessel on board of which the discovery is made.

Among the articles which have been considered as affording *prima facie* evidence that the vessel on board of which they are discovered is destined to be employed in the slave trade, the following may be enumerated:

Hatches with open gratings, instead of the close hatches usual in merchant vessels.

Divisions or bulkheads in the hold or on deck in greater number than are necessary for vessels engaged in lawful trade.

Spare plank, fitted for being laid down as a second or slave deck.

Shackles, bolts, or handcuffs.

A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of such vessels.

An extraordinary number of water-casks or other receptacles for holding liquid, unless it be proved that such casks or other receptacles are destined only to hold palm oil, or for other purposes of lawful commerce.

A greater quantity of mess-tubs, or kids, than are requisite for the use of the crew.

A boiler or other cooking apparatus larger, or capable of being made larger, than is requisite for the use of the crew, or more than one boiler or other cooking apparatus of the ordinary size.

An extraordinary quantity of rice, of the flour of Brazil, manioc, or cassada, commonly called farina, or of maize, or of Indian corn, or of any other article of goods beyond the probable wants of the crew, unless such extra quantity shall appear on the manifest as forming part of the trading cargo of the vessel.

A quantity of mats or matting greater than is necessary for the use of the vessel, unless such mats or matting be entered on the manifest as forming part of the cargo.

An extraordinary quantity of medicines of a nature suited to the

quirements of slaves, and admitting of being safely administered by en not skilled in the medical profession.

It is understood, however, that the laws of the United States, as ell as the instructions issued to the officers in command of their ruisers, are silent as to the nature or description of articles which are be considered as evidence of the employment in the slave trade of e vessel on board of which they are found, and that consequently uch difficulty is experienced by those officers in interfering with ssels not having slaves actually on board. It would appear, there-re, extremely important, with a view to rendering the means mployed by the United States for the suppression of the slave trade ally effective, that the attention of Congress should be called to this erious defect in the legislation on the subject.

Mr. Dallas to Mr. Cass.

[Extract.]

No. 217.] LEGATION OF THE UNITED STATES,
London, October 31, 1859.

SIR: * * * * * * * * * * *

In reference to the "Orion," it is proper to observe that having nade the treatment of that vessel the topic of complaint to this gov-ernment, I received a ready and satisfactory answer, and in my No. 09, transmitted by the Asia, on 17th September last, this corre-pondence was enclosed in copy to the department. Before its receipt, owever, your No. 202, dated 6th instant, had probably been for-warded; and I have only now to express the opinion that the nature f this last despatch removes every inducement to urge the case further.

* * * * * * * *

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

Mr. Willis to Mr. Cass.

[Extract.]

LOANDO, *November* 19, 1859.

SIR: The slave trade has been remarkably active this year, and many vessels have left this coast with slaves. A few days since, the rig "Josephine" was taken by an English steamer, with 550 slaves n board.

* * * * * * * *

Very respectfully, your obedient servant,

JOHN G. WILLIS,
United States Commercial Agent.

Lord Lyons to Mr. Cass.

WASHINGTON, *December* 3, 1859.

SIR: I am directed by her Majesty's principal secretary of state for foreign affairs to communicate to you the substance of official reports which have been made to her Majesty's government, respecting two vessels under the American flag, the "Rebecca," of New Orleans, and the "J. Harris," of New York, which appear to have been recently engaged in the slave trade on the coast of Africa.

It seems that a ship-rigged vessel anchored in Londino Bay, and having no flag flying, was visited in September last by three officers from her Majesty's ship "Vesuvius." These officers report that by her registry (which they believe to be correct) the vessel was shown to be the "Rebecca," of New Orleans, 534 tons, ship-rigged, owned by the Spanish house of Prats, Prijol & Co., and commanded by a Mr. Carter, who was apparently an Englishman.

They state further, that Carter did not conceal his intention of shipping slaves; that he said that he should first proceed to the Congo; and that he expressed great pleasure on hearing of the escape, with a cargo of slaves, in June last, of a vessel belonging to his owner called the "Brownsville."

Her Majesty's government are informed that the "Rebecca" had been detained by the United States marshal for one day at New Orleans, but had been released for want of proof of her being engaged in the slave trade; that she had subsequently sailed thence with the emancipated slaves of the late Mr. McDonough, of that city, and that she had since visited Mayumba. She is stated to be one of the swiftest sailing vessels afloat. Her master showed several runs of more than 240 miles in 24 hours, laid down upon the chart. With respect to the other case, that of the "J. Harris," it appears that in consequence of information that slaves were actually on the beach, branded and destined to be shipped on board that vessel, she was visited off Whyda by officers of her Majesty's ship "Falcon," who ascertained by her papers, which were found to be correct, that she was entitled to carry the American flag. The master made no complaint respecting the visit.

In bringing the foregoing particulars to the knowledge of the government of the United States, I am instructed to say that her Majesty's government cannot but lament to see the American flag thus prostituted.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

Hon. LEWIS CASS, *&c.*, *&c.*, *&c.*

Lord Lyons to Mr. Cass.

WASHINGTON, *December* 5, 1859.

SIR: The enclosed memorandum will make you acquainted with the ıbstance of official reports which have been received by her Majesty's ıvernment, respecting the proceedings of Commander Totten, of the nited States ship "Vincennes," on the coast of Africa.

I have been instructed to communicate this information to the gov-nment of the United States, and in doing so, to state that it is not e intention of her Majesty's government to make any comments ıon the apparent apathy of Commander Totten in the fullfilment of e duties with which he was specially intrusted, because her Ma-ıty's government feel convinced that the government of the United ates, on being made acquainted with the facts, will not fail to take .e necessary steps to ascertain whether, in the case of the "Isla de uba," and in the cases of the other vessels referred to, that officer ok proper measures to prevent the flag of the United States from being sed as a cloak to cover the traffic in slaves.

I have the honor to be, with the highest consideration, sir, your ıost obedient, humble servant,

LYONS.

Hon. LEWIS CASS, *&c.*, *&c.*, *&c.*

Memorandum.

On the 15th of August, 1859, Commodore Wise, senior officer of ɜr Majesty's naval forces on the west coast of Africa, addressed a let-r to Commander B. J. Totten, of the United States corvette "Vin-nnes," informing him that the noted slavers "Memphis," "Star of e West," and "Ottawa," were openly cruising under American lors between Ambriz and the Congo, waiting until the slaves were llected to form their cargoes. Commodore Wise added that very any slavers under American colors were still on the coast, while a nsiderable number had escaped since the 1st of January, owing to e protection afforded by the American flag. Finally, the commo-ıre stated the circumstances which led him to believe that the "Vin-nnes" would have it in her power to capture the "Memphis" and e "Star of the West," together with several other slavers under merican colors, and urged Commander Totten to bring his ship to e spot as soon as possible, or, if he were precluded from doing that, despatch boats to the neighborhood of Bahia Fonda.

This letter was delivered to Commander Totten on the 19th of Au-ıst, at St. Paul de Loando, by Lieutenant Burton, commanding her ajesty's ship "Triton." Commander Totten attended to the repre-ntations made to him so far as to despatch two boats, which were nveyed by the "Triton" to Bahia bay, and which proceeded thence the 24th of August along the coast as far as the Congo. But no tisfactory result was obtained.

On the 26th of August Lieutenant Burton communicated with the

"Vincennes" at Fonda bay, and pointed out to Commander Totten slave vessel "Memphis" bearing NW. The wind being very light, Lieutenant Burton offered to get up steam and tow the boats of the "Vincennes" to examine the "Memphis," but Commander Totten declined this offer, saying that he thought he could overtake her in his own ship. He did not, however, attempt to do so, and in consequence of this want of alacrity, the "Memphis" escaped a visit which must, it is believed, have resulted in her capture.

On the 28th of August Commodore Wise wrote a second letter to Commander Totten, transmitting to him information which showed that several vessels had obtained genuine American papers by means of gross perjury. Commodore Wise had fallen in with one of these vessels, the "Isla de Cuba," in Black Point bay, flying American colors. The beach at the time was thronged with natives, who were, it was believed, on the point of being shipped on board. The "Isla de Cuba" having been visited, a register, obtained by the nefarious practices referred to, was produced, on which the Christian name of the master had been altered from John to Lauren.

On the following morning Commodore Wise, having well considered the case, felt convinced that he should not be justified in leaving the "Isla de Cuba" at liberty. She had, indeed, hoisted United States colors, but the commodore was persuaded that her assumption of being American was fraudulent. He knew that she was the property of the Portuguese slave-dealer *Reis*, and that her real master was a Portuguese of the name of Correa. He had discovered that she was fully fitted out for the slave trade: her slave coppers, water, and provisions being on board, and her slave deck partially laid. He conceived, therefore, that his only course was to send her to one of the cruisers of the country to which she claimed to belong, that being, in his opinion, the most effective method of exposing the nefarious practices by which Spaniards and Portuguese contrive to carry on the slave trade under the protection of the United States flag. Having stated these circumstances, Commodore Wise concluded his letter by expressing his conviction that Commander Totten would make every exertion to bring the master, owners, and crew of the "Isla de Cuba" to the punishment they so justly deserved.

On the 20th of August Commodore Wise placed an officer on board the "Isla de Cuba," and instructed him to transfer her to the jurisdiction of the United States corvette "Vincennes," at San Paul de Loando, or to that of any other American man-of-war he might fall in with.

On the 1st of September Commodore Wise communicated with the "Vincennes," and furnished her commander with a duplicate of the letter of the 18th of August, mentioned above

Commander Totten informed Commodore Wise that he was on his way to Porto Praya, and that he expected to go on thence to America, but, in compliance with a requisition from the commodore, he promised to remain seven days at Mayamba, to which place the commodore had ordered the officer in charge of the "Isla de Cuba" to proceed with that vessel, in the event of his not meeting the "Vincennes" at Loando.

On the 7th of September Commodore Wise himself anchored at Mayamba, and was much surprised to ascertain from the whalers at the anchorage that the "Vincennes" had not even looked into that neighborhood. Two days afterwards the "Isla de Cuba" arrived, and the officer in charge reported that not having found the "Vincennes" at Loando, he had followed her with all despatch along the coast, and should have fallen in with her had Commander Totten adhered to his engagement.

By the breach of that engagement Commodore Wise was deprived of the only means of bringing the "Isla de Cuba" to justice, except sending her to the United States. This he did not deem it expedient to do, for the reason, among others, that she was so badly fitted that he did not feel justified in exposing a crew to encounter, in so unseaworthy a vessel, the weather which prevails on the American coast in the winter months. He was therefore obliged to release her; and she forthwith made all sail for Black Point. It is not doubted that her Portuguese captain will there have taken on board her cargo of slaves, and thus this vessel will be added to the long list of those who have carried on the slave trade with impunity under the American flag.

Mr. Cass to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 8, 1859.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 3d instant, respecting two vessels under the American flag, the "Rebecca," of New Orleans, and the "J. Harris," of New York, supposed to have been recently engaged in the slave trade.

I have the honor to be, my lord, with high consideration, your lordship's obedient servant,

LEWIS CASS.

Lord LYONS, *&c., &c., &c.*

Mr. Dallas to Mr. Cass.

[Extract]

No. 231.] LEGATION OF THE UNITED STATES,
London, December 19, 1859.

SIR: * * * * * * * *

Your No. 157, of the 23d of February last, was, agreeably to the instructions it contained, read by me to the Earl of Malmesbury, and a copy left with him, on the 14th of March. It embraced a special reference to the case of the capture and burning of the "Rufus Soulé," by the British commander of the "Viper," of which a report had

been made to the Secretary of the Navy by Lieutenant Totten. I was subsequently enabled to send Lord Malmesbury a copy of Lieutenant Totten's report; when I received from his lordship a note dated the 20th of April, 1859, saying that the matter had been referred to the lords commissioners of the admiralty, with directions that it should undergo the fullest inquiry.

I am now honored by a note from Lord John Russell, purporting to convey the result of the admiralty investigation, and hasten to forward a copy of it for your consideration.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *December* 12, 1859.

SIR: With reference to the letter which you addressed to my predecessor on the 12th of April last, requesting that a full inquiry might be made into the circumstances attending the seizure and destruction of the brigantine "Rufus Soulé," by her Majesty's ship "Viper," off the African coast, in the month of October, 1858, I beg leave to acquaint you that I am now enabled to furnish you with the following particulars relating to this transaction.

It will be necessary, however, in order to a right appreciation of the proceedings that took place in regard to the "Rufus Soulé," that some account of the history of this vessel should be given previously to her arrival on the African coast.

In the month of June, 1858, the "Rufus Soulé" arrived at the port of Matanzas, in Cuba, owned and commanded by Captain Davis. She was shortly after her arrival sold to a Spanish subject, a notorious slave dealer. Her American captain and crew were discharged, and a Spanish master and crew shipped; and on the 6th of July the vessel was cleared and sailed for the African coast, nominally under the command of her former mate, Anderson, who was to personate the character of American master in the event of the vessel being overhauled by a British cruiser, but the "Rufus Soulé" was actually in charge of the Spanish captain and crew.

The sale of this vessel, her destination, and the object of her voyage, were so publicly canvassed at the time at Matanzas, that the British vice consul considered it his duty to represent the case to the United States consul at that port, in order that he might bring it to the attention of the commander of an American ship-of-war which was then in the harbor of Matanzas, but the "Rufus Soulé" left the port before the consul had an opportunity of communicating with the American officer.

The "Rufus Soulé," in due course, arrived on the African coast, and on the 19th of September she was first met with and visited by Lieutenant Hodgkinson, commanding her Majesty's ship "Viper," for the purpose of ascertaining her nationality.

following is an extract from Lieutenant Hodgkinson's report secretary of the admiralty of what passed on this occasion:

"VIPER," *off Killoo River, September* 19, 1858.

have the honor to inform you that on the 19th instant a brig- was seen standing in for the land. The wind being light, I ed that she would pass close to us, and therefore waited until a. m., when, finding the wind fresher, I steamed out, and at 1 came up with the "Rufus Soulé," of New Orleans. Her sus- appearance, (the hull was old, and evidently she was not for as a legal trader under the American flag usually is,) to- with the Spaniards that were visible on board, induced me to er.

ıe captain received me with civility. On demanding his register, ıurred to producing that document. It was, however, at length ed. In my opinion, it was correct. The lower seal was very nct, but it was evident that the seal had been there.

he captain produced, voluntarily, his other papers, consisting cles and a sealed clearance from the Spanish authorities at Ma- . The articles did not seem to me, particularly on the agree- with the crew to sail the ship from Matanzas to Fernando Po, certified in a proper manner by the consul. The captain ex- himself from going to Fernando Po, on account of the passen- hree in number, all with passports, who were to be landed at ngo previous to the vessel going to Fernando Po.

aking all circumstances into consideration, I allowed the vessel eed on her voyage to the Congo. I did not search her in any At the same time, I must say that the "Rufus Soulé" is a uspicious vessel. Her cargo, which is entered in a book, not in lar manifest, (the real manifest is sealed up,) is exactly of the ature that constitutes a vessel engaged in the slave trade."

the 11th of October the commander of her Majesty's ship er" again fell in with the "Rufus Soulé;" but, in the interval n the first and second time of meeting this vessel, Lieutenant inson had received information from her Majesty's government, so from the African coast, which revealed the true character of Rufus Soulé."

subjoined is an extract from Lieutenant Hodgkinson's report ıt took place on the second time of meeting the "Rufus Soulé." ıould be premised that one of the boats of her Majesty's ship er" having been on detached service, the "Viper" was running the coast to pick her up, when she sighted the "Rufus Soulé" second time. Lieutenant Hodgkinson reports as follows:

bout 11 a. m., on the 11th of October, a brigantine was seen, ortly afterwards the cutter in chase.

ıe brigantine held on her course, close to wind on the starboard vhich at 1.20 brought her down close to us; she had the Amer- ıg flying, and although her name, which had been most con- ıspicuously displayed on boards with gilt letters had disappeared, and me entirely obliterated from the stern, we had no difficulty in

making her out to be the 'Rufus Soulé,' the vessel I had visited on a previous occasion.

"Having the communication of the British government with me, I boarded, and having read it to the captain, I taxed him with being engaged in the slave trade. I then asked him if he had any objection to his crew being mustered by the articles; he said that he had none; and, on proceeding to the muster, the result was that, out of the whole crew on board, there was only one seaman that answered to his name on the paper, and he was the sole American seaman on board the ship."

At this stage of the proceedings the "Viper's" cutter returned, when Lieutenant Hodgkinson repaired on board his own ship to receive the report of the officer who had been in charge of the boat, leaving Mr. Thomson, the officer who had accompanied him in his visit to the "Rufus Soulé," still on board that vessel.

The following is an extract from the report of the officer who had been in charge of the boat:

"At daylight on the morning of the 11th of October, being in charge of the cutter of her Majesty's ship 'Viper,' and cruising off Banda Point, for the suppression of the slave trade, I sighted a brigantine at anchor and made towards her. When drawing near, I observed her slip her cable and make all sail to the northward and westward, close-hauled off the land on the port tack beating to windward.

"I arrived on board, after chasing for four hours, when I asked the following questions: What was the name of the vessel? The captain said 'Rufus Soulé.' When I said: 'We boarded you before off Kilongo;' he directly answered '*no*,' and that this was the first day he had made the land, and that he was bound for Fernando Po. I then said: 'You are a great deal out of your reckoning;' when he replied: 'I don't know what part of the coast we are on, my chronometers are out of order.' He then asked me whereabouts he was; when I told him about seven miles to the north of Banda Point. Before I left him, he told me all his men were sick, and that he did not know what he should do if it was not for the three passengers (Spaniards) that were on board. He then inquired where my ship was: I told him the 'Viper' was some miles to the north, but that I expected her up in the course of the day; when he said 'that he would endeavor to fall in with her.' I then left the 'Rufus Soulé' at 9 a. m., and close-hauled the cutter for Banda Point. When about four miles to windward of her, I observed him back and stand to the southward, in a direct opposite way either to meet the 'Viper,' or to make his way to Fernando Po. I then anchored; when he shortly after crossed my bows about three miles ahead of the cutter, still going southward and standing for Banda Point. I then again weighed in chase; at 1 p. m. observed a steamer, which proved to be her Majesty's ship 'Viper.'"

On being made acquainted, verbally, with the substance of the above report, Lieutenant Hodgkinson was about to return to the "Rufus Soulé" when he observed the American colors and papers to be thrown overboard.

Lieutenant Hodgkinson states as follows:

"No influence on my part was used towards the captain to induce

mmit this act, with the exception of informing him that,
ect information, he was a slaver; neither were any threats
ements held out by Mr. Thompson; what, perhaps, operated
ngly on the mind of the master of the 'Rufus Soulé' than
I could bring to bear upon him was that, in this case, it
as is usual in most slave vessels, that the balance of power is
ivided; that is to say, that the American portion of the
equal in number, or nearly so, to the Spanish; here all the
s in the hands of the Spaniards, who entirely governed the
s—only three in number, viz: the captain, the mate, a
ough, according to his own account, a nationalized citizen
nited States, and one seaman, (one other American seaman
ed from sheer brutality and neglect three days before her
constantly had there been disputes, and the Spaniards had
d the moment the slaves were shipped to do away with the
s; this it was, I afterwards found to be, what worked on
in's mind more than anything we could have said to him."
the vessel's papers and colors were thrown away my boat's
e in; and on the hatches being opened the 'Rufus Soulé'
l to be as fully equipped for the slave trade as any vessel
I never, however, in all my experience of vessels taken out
one so ill-found; she was upwards of 18 years old and leaky.
ne prize crew already away, I should not have been justified
g this vessel to Sierra Leone, without a large crew, and I
had her surveyed and destroyed."
Rufus Soulé,' from the captain's statement, had been pri-
d—that is to say, no transfer of either register or articles
; the old crew were paid off, a fresh one was entered, and
s, articles, and all, were got from the American consul by
money furnished by a Señor Soriente; the consul's name
ppended to the re-entered crew, although it was to the crew

remains for me now, sir, in order to complete this case, to
following statement from the report of Mr. Thompson, the
o accompanied the commander of the "Viper" on the occa-
s second visit to the "Rufus Soulé," when that vessel became
her Majesty's ship.
ompson states that on his accompanying Lieutenant Hodg-
board the "Rufus Soulé," that officer "taxed Captain An-
th his vessel being engaged in the slave trade, at the same
ing to him information received from the British government
ry vessel, and also quoting information received from Kil-
o this Captain Anderson, after some little hesitation, denied
as engaged in the slave trade."
captain was asked if he had any objection to produce his
e had none; and, on obtaining them, Lieutenant Hodgkin-
the captain if he had any objection to his crew being mus-
e captain said he had none. I was then ordered to call over
s of the crew, (thirteen in number,) when only one answered
ne, J. Contino, an American seaman."
enant Hodgkinson then informed Captain Anderson that all

the circumstances combined made the suspicions he already entertained as to his being a slaver still stronger; and that he would not be doing his duty if he allowed him to proceed without watching him, and that he should therefore remain by him. Lieutenant Hodgkinson then repaired on board his own ship, leaving me on board the 'Rufus Soulé,' to convey or answer any question the captain might have to offer."

"Shortly after Lieutenant Hodgkinson left, the mate, (W. Peterson, a Swede,) but a naturalized American, came aft to me, and said he hoped I would protect him and his property; that he was afraid of the Spaniards, (the Spanish captain having landed at Killoo, on the evening of the 19th of September;) that he had a wife and children in America, and that in shipping for mate, if he had only known what lay the ship was on, he would not have come, he at that time not having found out the voyage she was going on, and on finding it out was afraid to say anything on account of the Spaniards, they being in the preponderance. I proceeded to ask him what he meant, when he replied, it is no use to carry on this way, for you know what we are."

"I then taxed him with the vessel being an illegal trader, when he said, 'yes, the vessel is.'

"The captain, Thomas Anderson, during this conversation was down below packing up his things, (of this he subsequently informed me,) when, on receiving a message from Lieutenant Hodgkinson directing me to inform the captain that he thought his vessel was going in rather close, and that he had better go about; I sent down to the captain, who came on deck and put the ship about; but on his giving the necessary orders I noticed that the crew appeared perfectly indifferent as to whether they obeyed him or not, (which I casually pointed out to him,) when he replied, 'its no use, I'll give her up to you as a slaver, and choose the least of two evils;' he also said, 'If we had only waited five minutes longer, the first time we boarded him, on the 19th of September, he would have given her up then, and we should have had a lot of money,' and he added that 'he was sorry he did not, now that he found how the Spaniards had treated him.'

"The captain then voluntarily threw his papers and colors overboard, when I waved to the "Viper" for a boat, and at 2 30 p. m. Lieutenant Hodgkinson came on board, when I delivered over to him the vessel, the captain acknowledging that he had no papers or colors, and that he claimed no nationality.

"On leaving the 'Rufus Soulé' to go on board the 'Viper,' Captain Anderson observed, 'Oh! there's my niggers on the beach;' and if it had not been for the rollers, he would have shipped them the night before, and that neither the 'Viper' nor the Viper's boats would have seen him during the short time that would have sufficed for transporting the negroes from the shore to the 'Rufus Soulé.'"

I do not doubt that the forgoing statements will convince the government of the United States that the information on which the commander of her Majesty's ship "Viper" acted was well founded, and that the "Rufus Soulé" was at the time of her capture engaged in the slave trade, and that she was not entitled to the protection of the United States flag.

The case of the "Rufus Soulé" is, in fact, only a type of the many cases in which vessels have been enabled to carry on the slave trade under the American flag by means of papers fraudulently obtained, or by retaining their American papers after the vessels have been transferred to foreigners.

Before concluding this note I cannot help observing on the readiness with which credence has, in many instances, given by United States officers, and by the United States government, to statements made by individuals who have formed portions of the crews of slave vessels captured by British cruisers, that have not been entitled to the protection of the United States flag. On the representation of these persons, unsupported by any corroborative testimony, complaints have been made by the United States government to the government of her Majesty, and it is the knowledge on the part of the slave dealers that their complaints are listened to by the United States officers, and their cases taken up by the United States government, that has not a little emboldened their proceedings and tended so much to the abuse of the American flag.

In making the foregoing observations I can assure you, sir, that I do so not in any captious spirit, or with the wish to shield British officers from the just consequences of any improper interference on their part with *bona fide* American vessels, but because I believe the cabinet at Washington to be sincerely desirous to put a stop to the prostitution of the United States flag for slave trade purposes, and that nothing would tend so much to this end as its being well understood by the slave traders that no case would be taken up by the United States government, unless on satisfactory proof that the vessel on behalf of which a complaint may have been made is *bona fide* entitled to the protection of the American flag.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

J. RUSSELL.

GEORGE M. DALLAS, Esq., *&c.*, *&c.*

Mr. Appleton to Mr. Martin.

DEPARTMENT OF STATE,
Washington, January 11, 1860.

SIR: By reference to the return of arrivals and departures of American vessels, transmitted to this department from the United States consulate at Matanzas, for the quarter ending June 30, 1858, it appears that the brig Rufus Soulé arrived at Matanzas on the 16th of June of that year.

You will please inform me at what time this vessel left your consular district, whether she was sold, and, in that event, what disposition was made of her register and other papers; also, if her crew, or

any part of it, was regularly shipped or discharged at the consulate at Matanzas or the agency at Cardenas.

I am, very respectfully, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

HUGH MARTIN, Jr., Esq.,
United States Consul, Matanzas.

Mr. Cass to Mr. Helm.

DEPARTMENT OF STATE,
Washington, January 28, 1860.

SIR: On the 11th instant the United States consul at Matanzas was referred by this department to his return for the quarter ending *the* 30th of June, 1858, in which he reported the arrival at that port of the brig "Rufus Soulé," on the 16th of June of that year.

He was instructed to report to this department at what time this vessel left his consular district; whether she was sold, and, in that event, what disposition was made of her register and other papers; also of her crew, and whether any part of it was regularly shipped or discharged at the consulate at Matanzas, or at the agency at Cardenas.

The department has been informed that some time after her arrival at Matanzas she was sold to a Spanish subject, a notorious slave dealer; her American captain and crew were discharged and a Spanish master and crew shipped, and on the 16th of July the vessel was cleared and sailed for the African coast, still in possession of her American papers.

I will thank you to give your personal attention to this case and ascertain, so far as you are able, the facts in regard to the alleged sale of the vessel, the discharge of her crew, and alleged complicity of the American consul, from whom, as it is reported, "the papers, articles and all were got by means of money furnished by a Señor Soriente; the consul's name was not appended to the re-entered crew, although it was to the crew paid off."

You are requested to report the result of your investigations to this department at the earliest moment.

For your further information I transmit herewith extracts from a communication received at the department concerning this vessel.

I am, very respectfully, your obedient servant,

LEWIS CASS.

C. J. HELM, Esq.,
United States Consul General, Havana.

Mr. Martin to Mr. Appleton.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matanzas, February 11, 1860.

SIR: I have the honor to acknowledge your communication, dated 11th of January ultimo, relating to the brig Rufus Soulé.

By reference to the ship's daily journal for the year 1858, I find that the said brig cleared on the 28th of June, same year, for the port of Cardenas, but did not go to that port, remaining in this harbor until the 6th of July, when she cleared again for Fernando Pó and Liberia. There is no evidence in this office of her having been sold.

On the eve of clearing for Cardenas four of her seamen and two cooks deserted her, leaving the captain, first and second mates; after which James Davis, the captain, transferred the command of said vessel to Thomas Anderson, the mate. Anderson, then master, shipped in lieu of the deserted crew the following, who were regularly shipped by the consul at that time, as per reference to the seamen's journal.

Crew deserted.—Alexander Rinnings, cook and steward; William Smith, second cook; Thomas Cullion, seaman; John Welch, seaman; Nicholas Brucher, seaman; A. Fontain, seaman.

Crew shipped, July 6, 1858.—J. Johnson, G. Sencamy, J. Cook, J. Barker, F. Focania, J. Brown.

I have the honor to be, very respectfully, your obedient servant,
HUGH MARTIN, JR.,
United States Consul.

Lord John Russell to Lord Lyons.

FOREIGN OFFICE, *February* 6, 1860.

MY LORD: It is my painful duty to call your attention to the increased and increasing activity and success of the slave trade carried on between the west and east coasts of Africa and Cuba.

It appears that the number of negroes introduced into Cuba last year was, according to actual information, 22,000, and according to estimate, 30,000. It appears, further, that United States capital has been more and more employed in this traffic. It is ascertained, by repeated instances, that the practice is for slave vessels to sail under the American flag. If the flag is rightly assumed and the papers correct no British cruiser can touch them. If no slaves are on board, even though the equipment, the fittings, the water-casks, and other circumstances, prove that the ship is on a slave trade voyage, no American cruiser can touch them. The master, indeed, often taunts the captain of a British cruiser with his impunity from capture.

From the east coast of Africa a most extensive slave trade is carried on, almost without interruption.

It is said that a cargo of 1,200 slaves was lately embarked on board a single vessel, but the captain, finding he had not provisions and water for so many, deliberately threw overboard 400 of these unhappy beings when he had got out to sea.

The governments of France, the United States, Portugal, and Brazil, have co-operated with the government of Great Britain with a view to put an end to this detestable traffic. The government of Spain alone have persisted in screening and favoring this trade. The corruption of Spanish official persons in the Island of Cuba is notorious; the price of connivance is publicly known; and many of these persons have returned to Spain enriched by the gold they have amassed as the price of African blood.

The engagements made by Spain with the British government form part of the public law of Europe. In 1817 Spain concluded a treaty with this country for the abolition of the traffic in slaves north of the equator, and, in accordance with the stipulations of that treaty, the British government paid to that of Spain the sum of four hundred thousand pounds, to compensate Spanish subjects for losses which they might suffer as a consequence of the abolition of the said traffic.

In 1835 a further treaty was concluded by the Spanish government with the government of this country, by which Spain declared the Spanish slave trade to be totally and finally abolished in all parts of the world.

Great Britain might enforce by her own means the observance of these treaties. But this would be assuming a possibility which her Majesty's government would be sorry to contemplate, and to avoid which every expedient ought first to be tried.

Her Majesty's government, therefore, propose that the embassadors and ministers of the courts of France, the United States, Spain, Portugal, and Brazil, should be instructed to meet in London in the month of May or June of the present year, to consider what measures can be taken to check the increase of the slave trade and finally provide for its total abolition. Her Majesty's government would be prepared to lay before such a conference their views on this important but distressing subject.

I am, &c.,

J. RUSSELL.

Lord LYONS, *&c., &c., &c.*

P. S.—Your lordship will read this despatch to General Cass, and leave a copy of it in his excellency's hands.

Mr. Helm to Mr. Cass.

No. 4.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, February 17, 1860.

SIR: I have the honor to acknowledge the receipt, on the 12th instant, of your communication of the 28th ultimo, with the accompanying papers, directing me to investigate, "*in person*," the facts

connected with the alleged sale of the brig "Rufus Soulé," of New Orleans, at Matanzas, in July, 1858, to *Señor Loriente*, a notorious slave dealer, and the manner of the discharge and shipment of her crew, and the disposition of her papers by the consul at Matanzas.

In obedience to your instruction I have the honor to report as follows: that I proceeded to Matanzas on the 14th instant, and there learned from the records of the consulate that the brig "Rufus Soulé" arrived at that port on the 16th day of June, 1858, with an inward crew of nine persons, two of whom were foreign seamen; that on the 28th day of the same month, J. Davis, then master, cleared his brig for Cardenas, without a change of crew, but for some reason the vessel did not sail; afterwards six of the crew deserted; on the 6th day of July six seamen were shipped; Davis surrendered the command; Thomas Anderson, the then first mate, was appointed master, and the vessel was cleared for Fernando Pó, a Spanish island near the coast of Africa, without any evidence of a sale or change of nationality in the consulate. All the entries in the several record books, the "Ship's Daily Journal," the "Fee Book," and the "Detailed list of seamen shipped, discharged, or deceased," show the foregoing facts.

I am therefore of the opinion that Lieutenant Hodgkinson, the officer commanding the "Viper," was mistaken in his statement "that the consul's name was not appended to the re-entered crew, although it was to the crew paid off," his name was, no doubt, appended to the certificate or declaration of the master, as to the desertion of the crew, and was not appended to the articles, except in a certificate attached by a seal, which might have been severed, or accidently fell off, which mistake might easily be made by one not familiar with our mode of shipping and discharging seamen or reporting deserters.

I have the honor to report, further, that I have no doubt the brig "Rufus Soulé" was scretly sold at Matanzas to a slave dealer, not *Señor Loriente*, there being no such person at Matanzas, but to Cristobal Valdes, for about $5,000, as I found Captain Davis had purchased a draft from Messrs. J. M. Morales & Co., merchants, for $4,292, drawn on Havana, and that the subject was much more canvassed after than before the sailing of the vessel. I also learned that the British vice-consul informed the American consul verbally, a few hours previous to the sailing of the brig, that she was intended for the slave trade, which information the American consul no doubt communicated to the commander of the American man-of-war, then in the port of Matanzas, but this happening just at the moment when our merchant vessels were being so rudely overhauled, boarded and searched by British cruisers, the American commander was evidently acting under special instructions, and therefore could not follow the "Rufus Soulé."

It may be proper to remark that Dr. Martin, our present intelligent and efficient consul at Matanzas, did not take charge of the consulate until after the "Rufus Soulé" sailed from that port; that Mr. Garesché was then the consul; and that most of the entries concerning that vessel are in his own handwriting.

Mr. Garesché was an old gentleman some seventy-five years of age; a man of such high integrity that he would have scorned to accept money except in the legitimate performance of his duty, and every

American at Matanzas is ready to proclaim the charge of complicity on his part, in this or in any illegal or wrongful transaction, a base slander; he may not have been active and efficient, but, though I have never seen him, I am satisfied, from all I learn, that a more honorable gentleman never represented his country abroad.

I am, sir, your obedient servant,

C. J. HELM,
Consul General of the United States.

Memorandum.

FEBRUARY 25, 1860.

It appears that the slave trade has been for some time upon the increase on the *eastern* coast of Africa, and that several large vessels under the American flag have shipped cargoes of slaves there for the Cuban market. There are now indications of an intention on the part of the slave traders to resort still more extensively to the *eastern* coast.

This is doubtless to be accounted for by the recent reinforcement of the United States squadron on the western coast.

It is believed that on the *eastern* coast of Africa there are no United States cruisers, and that there is there no authority competent to take cognizance of the abuse of the American flag, whether by vessels really American or by vessels fraudulently assuming the flag. It is desired to bring this matter to the notice of the government of the United States, in order to obviate those complications which might be occasioned by the absence of any United States officer, to whom an appeal might be made by the commanders of British cruisers, when vessels engaged in the slave trade are suspected of fraudently assuming the United States flag.

Mr. Cass to Mr. Helm.

DEPARTMENT OF STATE,
Washington, February 29, 1859.

SIR: I transmit herewith a copy of a despatch addressed to you on the 28th ultimo, asking for information concerning the "Rufus Soulé." No reply to that despatch, or acknowledgment of its receipt, has been received.

You are requested to give your immediate personal attention to this case, and furnish the department with the desired information at the earliest practicable moment.

You will likewise transmit to the department any other information in your possession, or which you may be able to obtain, concerning the alleged complicity of American vessels and their masters and crews in the slave trade, and the fraudulent sale or transfer of such vessels; also, any evidence which may tend to invalidate the charges

which have been made respecting the abuse of the American flag and the alleged protection which it has afforded to parties engaged in the slave trade.

I am, very respectfully, your obedient servant,

LEWIS CASS.

C. J. HELM, Esq.,
United States Consul General, Havana.

Mr. Dallas to Mr. Cass.

No. 244.] LEGATION OF THE UNITED STATES,
London, March 1, 1860.

SIR: The occurrence which gave rise to the note, of which I annex a copy, addressed to her Majesty's principal secretary of state for foreign affairs, struck me as probably being the *first* abuse of the friendly arrangement respecting our merchantmen showing their flags on meeting armed public vessels. I thought it, therefore, expedient that, *in limine* and incidently, the right to *enforce* the hoisting of the flag should be distinctly denied; and this particularly, as I knew that at the admiralty the firing by the British officer, though preceded by no hail or signal, was excused by an alleged want of *courtesy* in not hoisting. May I beg you to say whether my doing so has the approbation of the President?

I have the honor to be, sir, &c.,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

LEGATION OF THE UNITED STATES,
London, March 1, 1860.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to submit to the consideration of Lord John Russell, her Majesty's principal secretary of state for foreign affairs, the accompanying copies of affidavits, made on the 28th and 29th ultimo, before General Robert B. Campbell, consul of the United States at London, and by that officer transmitted to the undersigned.

These affidavits are signed by Henry R. Hovey, master of the American ship "Amazon;" Richard Bullen, second mate; George Williams, boatswain; and William Stanley, Isaac Barnes, and Louis Williams, seamen of that vessel. They profess to narrate the circumstances of an aggression seemingly so uncalled for and extraordinary that the undersigned deems it his duty to lose no time in formally placing the matter before her Majesty's government.

The "Amazon" sailed from New York for London on the 15th of January last, and was on Sunday, the 5th of February, in the British

channel, between the Isle of Wight and Beachy Head. Her Majesty's steamship "Virago," Commander Dunn, engaged in towing the hull of a large man-of-war, was astern of the "Amazon," and about a quarter of a mile off. Pursuing peacefully the direct and accustomed course of their voyage, between the hours of 8 and 9 in the morning Captain Hovey, his officers and crew, without the slightest provocation, without being hailed, without notice or warning of any sort, were suddenly fired into with musketry from the paddle-box of the "Virago," most of the balls falling short of the distance, one of them, however, striking the "Amazon." The flag of the United States was immediately hoisted, and the firing was not renewed.

The undersigned cannot, consistently with the respect due to the holder of her Majesty's commission, discern a cause for this strange and offensive violence. The mere presence of a man-of-war, unaccompanied by hail, or question, or signal, may not suggest to a merchantman the necessity, or even courtesy, of showing his symbol of nationality. In pursuance of a recent amicable understanding between the governments of Great Britain, France, and the United States, the President has recommended to the navigators of the American mercantile marine that they shall show their colors when meeting on the high seas a ship-of-war of any country; but he has at the same time frankly made known his inability or unwillingness to enforce that recommendation, and has never, as far as the undersigned is informed, assented to its enforcement by others.

The undersigned, in view of the circumstances, earnestly requests his lordship to cause a full and satisfactory investigation to be made; and should that investigation result in establishing the facts contained in the annexed affidavits, he cannot doubt that her Majesty's government will take such steps as will best subserve the interests and amity of the two nations.

The undersigned begs to renew to his lordship the assurance of his most distinguished consideration.

G. M. DALLAS.

The Right Hon. Lord JOHN RUSSELL, *&c.*, *&c.*, *&c.*

We, Richard Bullen, second mate, George Williams, boatswain, and William Stanley, Isaac Barnes, and Louis Williams, seamen of the ship "Amazon," of New York, Henry R. Hovey, master, do solemnly, sincerely, and truly swear that we sailed in the said vessel from New York on the 15th day of January last past, bound for London, and on the first day of February the English coast was made. On Sunday, the 5th of February, between 8 and 9 a m, the ship was between the Isle of Wight and Beachy Head, in company with several vessels, one of which was her Majesty's ship "Virago," (bark-rigged steamer,) having in tow the hull of a large man-of-war. The "Virago" was astern of the "Amazon," on her starboard quarter, distant about a quarter of a mile, under all sail on fore and main masts, the wind being about SW. by W. At the same time

(between 8 and 9 a. m.) we heard the whistling and saw the smoke of five or six shots fired at the "Amazon" from the paddle-box of the "Virago" in the space of a few minutes, which dropped close astern of the ship; (and I, Richard Bullen, do further swear that I heard one of the shots strike the ship on the starboard quarter, and it glanced off into the sea.) The colors of the "Amazon" were immediately set, and the firing was discontinued. We had not seen or recognized any signal requesting us to show our colors, other than the firing of the balls, if that can be called a request.

RICHARD BULLEN.
GEORGE WILLIAMS.
WILLIAM STANLEY.
ISAAC his × mark. BARNES.
LOUIS his × mark. WILLIAMS.

Sworn before me, in the consulate of the United States, at London, this 28th of February, A. D. 1860.

ROBERT B. CAMPBELL,
Consul of the United States of America at London.

I, Henry R. Hovey, master of the ship "Amazon," of New York, do solemnly, sincerely, and truly swear that I have read the foregoing affidavit, and that the facts therein stated are true in every particular.

HENRY R. HOVEY.

Sworn before me, in the consulate of the United States, at London, this 29th day of February, 1860.

ROBERT B. CAMPBELL,
Consul of the United States of America at London.

CONSULATE OF THE UNITED STATES OF AMERICA AT LONDON.

I, Robert B. Campbell, consul of the United States of America for London and its dependencies, do hereby certify that the foregoing is a true and faithful copy of affidavits made before me, and on record in this consulate.

In testimony whereof I have hereunto set my hand and seal, at London, this 29th day of February, A. D. 1860, and [OFFICIAL SEAL.] in the eighty-fourth year of the independence of the said United States.

ROBERT B. CAMPBELL.

Mr. Helm to Mr. Cass.

No. 10.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, March 12, 1860.

SIR: I have the honor to acknowledge the receipt, on yesterday, your despatch dated the 29th ultimo, enclosing me a copy of the d spatch of the 28th of January last, in which I am directed to furni the department with certain information concerning the brig "Ruf Soulé," to which no reply had been received at the department that day.

The despatch dated the 28th January was received on Sunday, t 12th of February. On Tuesday, the 14th, I proceeded to Matanza and on the 15th made the investigation with as much care and atte tion as it was possible to do in and out of the consulate. On the 16 I returned to Havana, and on the 17th prepared my report, whi was forwarded to the department by the first steamer which sail from Havana to the United States, the "Empire City," on the 23 which vessel, as I learn from the newspapers, had a long passag and arrived at New York only on the day of the date of your despatc the 29th, so that it must have been received at Washington about t 15th instant. However, I herewith enclose a copy of the report, fea ing the original, by some accident, may have been lost.

In reply to the last paragraph of your despatch, in which I a directed to transmit to the department any other information in m possession, or which I may be able to obtain concerning the alleg complicity of American vessels and their masters and crews in t slave trade, and the fraudulent sale or transfer of such vessels, I ha the honor to state that I am of opinion there has been no such secr sale of any American vessel at this port since December, 1858, b the bark "J. J. Cobb," registered in the name of José A. Mora, New York, and consigned here to the house of Mora, Alfonso & Co (the Moras being brothers, and, I understand, brothers-in-law of A fonso, and all natives of Cuba,) which case was fully reported to t department in my despatch No. 34, dated December 27, 1858, which despatch I respectfully call the attention of the departmen and request that the instruction therein asked be given.

During the past year several American vessels have been sold this port and put under the Mexican and Chilian flags, and were, n doubt, purchased for the slave trade, and if they used the America flag, it was hoisted at sea, as it is only used for the protection of th illegal traffic by foreigners, who have no color of right to its use; an it is barely possible that one or two American vessels may have bee secretly sold, yet there is nothing within my knowledge to justify suc belief, and I am satisfied no American capital has been invested i this trade, either in the purchase or fitting out vessels from Cub The Spanish and English governments are equally responsible f this African slave trade with Cuba. The former has the power he to prevent the landing of Africans, and is bound by treaty with t latter to close this slave market. Spain keeps the slave market ope and England does not give her notice to close it. The efforts of bo

these governments to prevent the slave trade is a mere sham, and their officials here know that as long as there is a demand for vessels they will be supplied, and no vigilance on the part of our government officials will be able to prevent either the sale of vessels, the abuse of our flag by foreigners, or the importation of African negroes to Cuba.

I am, sir, your obedient servant,

C. J. HELM.

Mr. Helm to Mr. Cass.

No. 11.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, March 13 1860.

SIR: I have the honor to enclose herewith a despatch from Hugh Martin, esq., United States consul at Matanzas, with the envelope containing the same unsealed, conformable to his instructions, to be read and forwarded to the department by me. This despatch reached this consulate general on the 12th instant, in the despatch bag from Washington, has the New York post office stamp on it, and was no doubt forwarded to the United States by the postmaster here, instead of being put in my box, which accounts for the delay in the receipt at the department of Dr. Martin's despatch on the subject of the brig "Rufus Soulé."

I am, sir, your obedient servant,

C. J. HELM.

Mr. Martin to Mr. Cass.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matanzas, March 13, 1860.

SIR: Your despatch dated February 29, enclosing a copy of a despatch dated the 11th of January, relating to the brig Rufus Soulé, was received this day, and in reply enclose a copy of mine to the Department of State, under date of February 11. The communication from your department bearing date of January 11 was received on February 11, one month from the time the same was written. Immediate attention was given thereto, as you will see per copy enclosed.

Soon after the receipt of your despatch this office was visited by the consul general, with the object of making inquiries relative to the brig Rufus Soulé.

I regret that my communications have not been received in due time, for strict attention was given to their despatch.

I am, sir, very respectfully, your most obedient servant,

HUGH MARTIN, JR.,
United States Consul.

Mr. Dallas to Mr. Cass.

LEGATION OF THE UNITED STATES,
No. 246.] *London, March* 15, 1860.

SIR: My last despatch, of the 1st instant, conveyed to you the copy of a note addressed by me to her Majesty's principal secretary of state for foreign affairs, respecting the firing, with small arms, into the American bark "Amazon," by the British war steamer "Virago," off the Isle of Wight, and solely to coerce the show of her flag.

I have now the honor to annex the transcript of Lord John Russell's reply.

In your letter to Lord Lyons of the 12th May last, with which I was made acquainted by your No. 175, the concurrence of the government of the United States with "the governments of Great Britain and France as to the propriety of an exhibition of her flag by every merchantman on the ocean whenever she meets a ship-of-war," is communicated, with the intimation that circular letters from the Treasury Department to the collectors of customs would request observance of the arrangement from all merchant captains. If, as I believe has been stated in some of the public journals, such circular letters were issued, may I be pardoned for expressing a desire to have an official copy of them?

I will be glad, also, to have your views on the character of Lord John Russell's answer, should you be of opinion that the matter calls for further attention.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE,
March 12, 1860.

The undersigned, her Majesty's principal secretary of state for foreign affairs, lost no time in referring to the lords commissioners of the admiralty the note which Mr. Dallas, envoy extraordinary and minister plenipotentiary of the United States at this court, addressed to him on the 1st instant, enclosing copies of affidavits made before the consul of the United States in London, representing that on the 5th ultimo, while in the English channel, the American merchant ship "Amazon" was fired at with small arms from on board her Majesty's ship "Virago," one ball from which actually struck the hull of the "Amazon." The undersigned requested that immediate inquiry might be made into the circumstances of this case, and he has now the honor to communicate to Mr. Dallas the result of that inquiry.

It appears that the matter has already formed the subject of investigation, in consequence of a complaint preferred to the board of admiralty by Captain Hovey, of the "Amazon," on his arrival in

the London docks. The explanation offered by Commander Dunn, of her Majesty' ship "Virago," was, that on the occasion referred to the "Amazon" being on the port bow of that vessel, and running the same course, he had ordered the British ensign and pendant to be hoisted, the "Arethusa," which was in tow of the "Virago," having hoisted her colors at the same time; that about a quarter of an hour afterwards, and while nearly abreast of the "Amazon," it was reported to him by the officer of the watch that she showed no inclination to hoist her colors; that upon this Commander Dunn ordered him to fire a blank musket cartridge, and if that did not have the desired effect, to fire another. The officer came down shortly afterwards and reported that he had fired two blank cartridges, but that the ship still showed no colors; upon which Commander Dunn ordered him to have a ball cartridge ready, and, after satisfying himself that the colors on board her Majesty's vessels were blowing out clear, and were distinctly visible from the "Amazon," Commander Dunn ordered a musket ball to be fired well ahead of her. As she took no notice of that, he ordered a second to be fired in the same direction; that being taken no notice of, Commander Dunn ordered a third to be fired astern of her, and so on; but it seems the "Amazon" did not show her colors until the eighth ball fell close under her stern. Commander Dunn then gave orders to cease firing.

The undersigned has the honor to state to Mr. Dallas that the lords commissioners of the admiralty, on receiving this report, informed Commander Dunn that it was, in their opinion, not necessary for him to have fired at the "Amazon" with ball cartridge, and that they disapproved his having done so; but Captain Hovey was likewise informed that, in their lordships' opinion, it would have been more courteous of him to have shown his colors to a British man-of-war in the English channel when requested to do so in the usual manner.

The undersigned cannot doubt that Mr. Dallas will concur in that view of the case, and will be of opinion that the notice already taken by the board of admiralty of this affair is all that, under the circumstances, is required.

The undersigned requests Mr. Dallas to accept the assurance of his highest consideration.

J. RUSSELL.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Mr. Cass to Mr. Dallas.

No. 163] DEPARTMENT OF STATE,
Washington, March 18, 1860.

SIR: Adverting to my despatch No. 157, of the 23d ultimo, I have the honor herewith to transmit copies of late despatches to the Navy Department from the United States squadron on the coast of Africa, to which reference was made in that communication.

You are instructed to bring to the attention of Lord Malmesbury, with as little delay as may be practicable, the facts connected with the capture and burning of the "Rufus Soulé" as they appear in the report of Commander Totten.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, *&c., &c., &c.*

[See enclosures with papers from Navy Department.]

Mr. Cass to Mr. Dallas.

No. 244.] DEPARTMENT OF STATE,
Washington, March 31, 1860.

SIR: Your despatch of December 19th last past, together with the copy of a note from Lord John Russell to yourself, and other accompanying papers, relating to the capture and destruction of the "Rufus Soulé, have been some time before the department; but the necessity arising out of some of the statements they contain of procuring information from the Island of Cuba has prevented an earlier reply. I propose now to convey to you the views of the President upon this subject, which involves important considerations, that you may lay them before her Britannic Majesty's principal secretary of state for foreign affairs.

The greater part of the note from the foreign office is directed to a review and defence of the proceedings of the officer who commanded upon that occasion, while the other is occupied with remarks and suggestions concerning the slave trade, some of which I consider uncalled for, while others are still more unacceptable.

And first, with regard to the "Rufus Soulé." Lord John Russell has incorporated into his communication a narrative of the cruise and capture of that vessel, almost exclusively compiled from the report of Lieutenant Hodgkinson, of the British navy, who boarded and burnt her. And his lordship subjoins to this summary the expression of his conviction that the statements thus made will satisfy the government of the United States that the information, on which the commander of her Majesty's ship "Viper" acted, was well founded, and that the "Rufus Soulé" was, at the time of her capture, engaged in the slave trade, and that she was not entitled to the protection of the United States flag. Whether this vessel was then engaged in the slave trade is one thing; but whether she was entitled to the protection of the flag of the United States is another and quite a different thing, and depends not upon the nature of her employment, legal or illegal, but upon her national character. Certainly there are strong grounds of suspicion that she was engaged in that nefarious traffic; and were the question of her condemnation or of the guilt of her crew depending before a judicial tribunal, possessing the necessary jurisdiction, the object of the voyage would be a paramount subject of inquiry.

But that consideration does not touch the question now at issue

between the government of this country and that of Great Britain. That question, I repeat, is not what the vessel was doing, but whether she belonged to the United States. Neither her national character nor the immunity it brings with it could be affected by the purposes to which she was destined.

The police over their own vessels upon the ocean is an attribute of sovereignty which belongs to all independent States, and is not now questioned by any of them. Many severe lessons in their own history have taught the United States the value of this principle, and have brought with them the determination to maintain their right to it under all circumstances. While the government of Great Britain has avowed its adhesion to this doctrine, the British naval officers appear too often to be ignorant of its existence or indifferent to its obligations. Repeated occurrences upon the coast of Africa, both formerly and quite recently, as well as the objectionable proceedings in this case of the "Soulé," too clearly indicate with what facility an unlawful jurisdiction is assumed and abused and defended. The United States have a right to expect that the British government will make known to its officers that no such pretension is advanced by Great Britain, and that it will take efficient measures to put a stop to a practice which is equally irritating and unjustifiable.

This country is desirous of the extinction of the slave trade, and is employing a larger force for that purpose in proportion to its naval means than any other power whatever. But it has other great interests upon the ocean, the immunity of its flag, the protection of its citizens, and the security of its commerce, which it does not intend to put to hazard by permitting the exercise of any foreign jurisdiction over its merchant vessels.

Omitting in this inquiry the antecedents of the "Soulé," as well as the statement of the rumors of her destination, it appears from the journal of Lieutenant Hodgkinson that he fell in with that vessel on the 19th of September, 1858, off Killoo river, on the western coast of Africa, and that he boarded her, whether forcibly or peaceably he does not state, but it is to be presumed he went on board without permission, for he says he was induced to visit her for the reasons he assigns, and strange reasons they are for committing such an act, that she was old and evidently not cared for, and that Spaniards "were visible on board." He demanded of the master his register, to which the latter demurred; meaning thereby, I suppose, that he at first refused to deliver it, but at length it was produced, the master's objection having no doubt yielded to the presence of superior force. The register, on examination, was pronounced correct, and the vessel was then "allowed to pass on her voyage to the Congo."

On the 11th of October following, the same British cruiser, the "Viper," again fell in with the "Soulé," but it is stated that "in the interval between the first and second time of meeting this vessel Lieutenant Hodgkinson had received information from her Majesty's government, and also from the African coast, which revealed the true character of the 'Rufus Soulé.'" The nature of the information thus specially communicated to Lieutenant Hodgkinson, and which seems to have changed his own view of his power or of his duty, is not

stated; but that officer does state that he read it to the maste "Soulé," and then "taxed him with being engaged in the slave

It is presumable, therefore, that the "true character" of th said to have been thus "revealed" was not her national ch but the character of her employment.

It was under these circumstances that Lieutenant Hodgkins boarded the "Soulé," after having satisfied himself that he were correct, and charged the captain, not with sailing a vess the American flag, to the protection of which he had no jus but with being engaged in the slave trade, which he seems considered his proper subject of inquiry, and then, with the it is alleged, of the master, mustered the crew, and found th the exception of a single individual, they did not correspond description in the articles. At this stage of the examina commander of the "Viper" was called on board his own leaving one of his officers in the "Soulé;" and when he wa point of returning, he "observed the American colors and p be thrown overboard."

Even if this act was an entirely voluntary one on the par master of the "Soulé," it gave to the British officer no jurisdict that vessel. He had already examined the papers and ha they were "correct," and their destruction did not destroy his edge of her national character which they established, nor l to respect it.

Lieutenant Hodgkinson has felt himself called upon to disa use of any influence to induce the master of the "Soulé" to this act, "with the exception of informing him that from co formation he was a slaver;" "neither," he continues, "w threats or inducements held out by Mr. Thompson." From timony transmitted by Commander Totten, it appears there flicting statements upon this subject, verified by oath; but them without examination, remarking, however, that it is dif reconcile this disavowal with another part of the report of Lie Hodgkinson, where he says he told the master that the suspi had entertained of his being a slaver were still stronger, "s he would not be doing his duty if he allowed him to proceed watching him, and that he should therefore remain by him."

I have already, in my despatch to Lord Napier of April 1 and in my despatch to you of February 23, 1859, complained practice, which is now in active operation, and by which th of the United States are violated and their laws evaded. Thi the "Soulé" has come to add to the number of these com Reports have reached here of similar occurrences having qui taken place in other cases; and though these reports are n official character, still they appear entitled to credit, and th how extensively this practice prevails. And this impressio firmed by a report from Commander Totten to Flag-Officer (in which it is said "the rumor is current that improper thi made, and strong inducements held out to the captains of thes to haul down their flags and destroy their papers."

The representations from this department, asking the atte

the British government to these unjustifiable interferences and a correction of the evil, have led to no assurance that any measures for that purpose have been adopted, though Lord Napier, in one of his despatches, enumerates various vessels which had been captured by British cruisers after the penalties of the laws of the United States had been thus evaded. In my note to Lord Napier of April 10, 1858, the avowal of Commodore Wise of his knowledge of the practice, and, in fact, of his participation in it, was especially brought to the notice of the British minister. That officer, as he stated to Lieutenant Pelot, of the American navy, boarded the ship "Bremen," under American colors, and told the captain, who appeared to be a Portuguese, that it was his intention to take the vessel, and that he did not wish to see her papers, at the same time giving him his choice whether to be taken under the American flag or otherwise. The master, it was added, made some unintelligible expression about being taken as a pirate, (alluding to the laws of the United States, and the terrible punishment for their violation,) and the mate hauled down the colors immediately. The papers were then thrown overboard, and the vessel was seized as a prize "without colors or papers." The officers and crew, with the exception of the cook, were landed on the nearest part of the coast, and there, shielded from the just consequences of their crimes, set free; and the vessel was sent to Sierra Leone, insuring to her captors the prize-money provided by the British laws.

During the same interview with Lieutenant Pelot, Lieutenant Davidson, another officer of the American navy, asked Commodore Wise whether, if he met an American slaver with genuine papers, he would use means to induce the captain to throw his colors overboard, to which he replied: "Well, I might stretch a point, and tell the captain an American ship-of-war, the 'Dale,' was just at hand."

This stretching a point furnishes the true key to the conduct of the respective parties—captors and captured. The one considers it a justification for making a prize, while the other party finds in it immunity from punishment. In this case of the "Soulé" there was no appearance of any design on the part of the master to divest the vessel of her national character, notwithstanding the alleged insubordinate condition of the crew, till Lieutenant Hodgkinson announced his determination not to suffer him to proceed without watching him, and "that he should therefore remain by him." Under the circumstances, this course of proceeding indicated by the British commander would have been equally unexceptionable and efficient, and it is much to be regretted that he did not carry it into effect. The declaration itself was equally intelligible on both sides, and was equally well understood by both to mean, I will remain by you till we fall in with an American cruiser, when I will deliver you up, and you and your crew will be taken to the United States and hanged as pirates. This fearful alternative was avoided by the sacrifice of the evidence of the nationality of the vessel, and the crew was landed upon the coast, and the ends of justice thus defeated. It is impossible to assign any other motive but the hope of escape for such conduct on the part of persons thus accused and in the power of a force not to be resisted.

Commodore Wise calls this "foregoing" the protection of the

American flag. And why should that protection be foregone, unless from a conviction of danger and the hope of escape?

Undoubtedly if a ship is sailing upon the ocean destitute of papers necessary for establishing her nationality she may be taken possession of by any vessel finding her in that condition and having had no agency in producing it. Under such circumstances, the ship and her crew should be conducted to some port, where the whole matter might be judicially investigated, with a view to such proceedings as might be proper. But it would be difficult to find a justification for the officer who should separate such vessel and the crew, and dismiss the latter, instead of retaining them for a searching inquiry into the transaction, and for such proceedings as might be found proper.

When Commodore Conover, then commanding the American squadron on the coast of Africa, was informed of the course of conduct which Commodore Wise avowed his intention to pursue in relation to the destruction of papers, he addressed a letter to Rear Admiral Sir F. W. Grey, the British commanding officer upon that station, remonstrating against such a procedure, and requesting that all persons guilty of thus violating the rights of the United States might be punished, and the practice itself effectually suppressed. I am not aware that this application led to any investigation. Certainly it has led to no correction of the evil; nor, so far as is known here, has it drawn upon Commodore Wise any mark of the displeasure of his government.

Lieutenant Hodgkinson, after disavowing the exertion of any "influence" to induce the master of the "Soulé" to abandon his flag, seems to consider some explanation of the motives which led to that act called for by the circumstances, and he finds it in the allegation that what he calls the usual balance of power in slave vessels—that is, an equal division of force between the American and the Spanish portion of the crew—had been destroyed by the ascendency gained by the Spaniards, who manifested evil intentions, and the captain was therefore placed in a dangerous position. I know nothing of this usual equilibrium of opposing forces. But I have to remark, in the first place, it is probable that the same motives which have operated in other cases to induce the destruction of the ship's papers operated also in this case; and there is no pretence that the insubordination of the crew, existing or anticipated, has led elsewhere to similar proceedings; and, in the next place, the facts stated by Lieutenant Hodgkinson furnish a sufficient refutation of this part of his defence.

The "Soulé" had been already twice boarded, first by the "Viper," about a month before, and next by her cutter within a day or two; and as both of these "visits" afforded to her master the same opportunity he ultimately embraced to free himself from danger by the abandonment of his vessel, his not resorting to this expedient to atone for the loss of the "balance of power" leaves no reasonable doubt that he was finally influenced by other considerations. The "balance of power" is not heard of till the menace of Lieutenant Hodgkinson aroused the captain to a sense of his danger.

I have dwelt the more at length upon this incident, and upon the practice of which it is an illustration, that the subject may be brought the more distinctly to the attention of her Britannic Majesty's prin-

cipal secretary of state for foreign affairs, in the hope that this appeal to the justice of the British government will be more effectual than the former ones, and that a rigorous inquiry will be instituted into these proceedings, with a view to such measures, both of prevention and punishment, as a just regard to the rights of the United States may require.

Possession having been taken of the alleged denationalized vessel, under these circumstances she was immediately burned by order of Lieutenant Hodgkinson. It was a high-handed measure, to be justified only by pressing exigency. The evidences of her nationality had been destroyed to the knowledge of Lieutenant Hodgkinson, and to that illegal act was added the destruction of the vessel herself. She was thus placed beyond the reach of a judicial tribunal which, in the investigation of this transaction, might have derived much benefit from an inspection of the vessel.

I am not satisfied with the reason assigned by Lieutenant Hodgkinson for this objectionable proceeding. He states that "having one prize crew already away, I should not have been justified in sending this vessel (the 'Soulé') to Sierra Leone without a large crew, and I therefore had her surveyed and destroyed."

I understand from an officer of the highest experience and authority in our service that a crew of five or six men would have been quite sufficient to navigate this vessel from the place of capture to Sierra Leone or to St. Helena, and I understand also it is not easy to realize that a ship-of-war like the "Viper" could not spare that number of men for such an important purpose during a few days. And this difficulty is still further increased by the fact that one of the "Viper's" boats, under an officer, had been cruising off Banda Point "for the suppression of the slave trade," and rejoined the steamer at this very time. How long she had been absent upon that expedition does not appear; nor is any reason given why, if a crew could be spared for such a service, a part of it could not have been spared to conduct the "Soulé" to a port for examination and adjudication. Lieutenant Hodgkinson knew her American character as established by her papers. His proceedings, therefore, involved a grave international question; and it is difficult to conceive that he had any more imperative duty to perform than to conduct his prize where a proper investigation could take place, instead of surrendering it to the flames and the ocean.

Between two and three days after this occurrence the "Viper" fell in with the United States ship "Vincennes," when the commanding officer of the latter, Commander Totten, went on board the British vessel. In his report of these transactions that officer very naturally expresses surprise that Lieutenant Hodgkinson made no reference whatever to his proceedings with regard to the "Soulé," though Commander Totten inquired "if there were any suspicious vessels on the coast." To this he was answered "there were none." At this very time the master of the "Soulé" was still on board the "Viper," and Lieutenant Hodgkinson should have seized with alacrity the opportunity of disclosing to Commander Totten the circumstances under which he had felt himself authorized to capture and destroy a vessel which he had ascertained to possess "correct" American papers.

And the master of the "Soulé" should also have been presented to the commander of the "Vincennes," that he might be enabled to receive from him a narrative of these grave incidents, more especially as the statements of the master to Lieutenant Hodgkinson constitute so much of the justificatory report of that officer to his naval superiors. By suffering Commander Totten to leave the "Viper" in ignorance of the events which had just taken place, Lieutenant Hodgkinson pursued a course which necessarily brings doubts upon his confidence in his own defence.

After disposing of the case of the "Rufus Soulé," and justifying the proceedings that took place, with the expression of the opinion that such justification would be approved here, Lord John Russell proceeds to make some remarks upon the conduct of this government and its officers connected with the suppression of the slave trade, which, I feel assured, his lordship, on re-examination, will be sensible are neither courteous nor called for by the circumstances. The United States and Great Britain have entered into a conventional arrangement, by which the parties respectively agreed to employ a naval force on the coast of Africa, carrying not less than eighty guns, to secure the execution of their own laws, and to prevent their own vessels from being concerned in this prohibited traffic. The United States have endeavored faithfully to fulfil the obligations thus assumed. Two or three sailing frigates or sloops would have supplied the force required by the terms of the convention, but it was the desire of this government in good faith to accomplish the objects proposed; and, therefore, as it has been found by experience that some vessels of light draught, and especially steamers, are indispensable to insure success, that kind of force has been provided.

A squadron of eight vessels, four of which are steamers, and the whole carrying ninety-seven guns and eleven howitzers, is now upon the coast of Africa, engaged in this slave-trade suppression duty; while in the Cuban waters, to which the obligations of the United States under this treaty do not extend, we have four steamers upon the same service, carrying sixteen guns and nine howitzers, and both of these squadrons are actively and honorably engaged in the performance of the irksome duty assigned to them.

I am well satisfied that neither of the parties to the treaty of August 9, 1842, would be unwilling to receive and to consider in a proper spirit the representations of the other, made with a view to give effect to their respective obligations.

The government of the United States has given full proof of this disposition by receiving and considering in good faith the many statements and suggestions to which its attention has been called by the authority of the British government, though I have already informed both Lord Napier and Lord Lyons, in conversation, that I think these appeals have been more numerous than the circumstances called for. Not one of them was founded upon any injury alleged to have been suffered by a British subject from an American armed force. Some were representations, rumors, indeed, received from various quarters, concerning vessels not within the reach of the laws of the United States, while others became unacceptable in consequence of repeated

reference to the duties of this government, as though that were a subject which could not be appreciated here, unless often presented from abroad. The statements relied upon evidently proceeded from officers who were not unwilling to find this government and its officers in the wrong, while surveying the question of the slave trade from their own point of view. And from that position, it is perhaps not unnatural that they should see in the British navy a just and effectual means of accomplishing the object without adverting to the inherent difficulties which surround this complicated subject, arising out of the enterprise and experience of the shrewd and unscrupulous men who prosecute the trade, and who are stimulated by the prospect of enormous profits, and without adverting to the ceaseless jealousy with which the exercise of a foreign jurisdiction over their own vessels on the great highway of the world is regarded by all commercial nations. And besides the naval officers employed in this service, the British government have agents stationed at various points engaged in the duties of prevention and observation, and all these officers, both civil and naval, are naturally willing enough to commend themselves to their superiors by the display of zeal and fidelity in the discharge of their duties; and thus it almost necessarily happens that rumors and statements reported by them are often found to be exaggerations, and some of them destitute of any real foundation. That the slave trade has recently increased I am not prepared to deny, though the estimates upon the subject seem to be founded upon very vague conjectures, and there appears to be a prevalent disposition to hold the United States flag responsible for its prostitution to this growing evil. The reproach may be just, but I have no proof that it is so. Why the American flag should be thus desecrated any more than the French flag, or the flag of any commercial nation which has not surrendered to Great Britain the right of search, I am at a loss to perceive. The vessels of all powers, exclusive of the exceptional ones, are equally beyond the reach of examination or capture by a British armed cruiser.

Lord John Russell states, undoubtedly upon the authority of reports made to the foreign office, that it appears that United States capital has been more and more employed in this traffic. That there are men in the United States so lost to a sense of duty as to invest their capital in these enterprises, I do not doubt any more than I doubt that such men are to be found in England as well as in all other countries. But the report of our intelligent consul general at the Havana shows that this charge should be received with a great deal of caution. He states in a letter, dated the 12th instant, that he is satisfied "that within the past year no American capital has been invested in this trade, either in the purchase or fitting out of vessels from Cuba." And in reference to the "alleged complicity of American vessels and their masters and crews in the slave trade, and the fraudulent sale or transfer of such vessels," he is of opinion "there has been no such secret sale of any American vessel at this port since December, 1858, but the bark 'J. J. Cobb,' heretofore reported." The consul general also reports that "during the past year several American vessels have been sold at this port and put under the Mexican and Chilian flags, and were no doubt purchased for the slave trade; and if they used the

American flag, it was hoisted at sea, and is only used for the protection of this illegal traffic by foreigners who have no color of right to its use, and it is barely possible that one or two American vessels may have been secretly sold, yet there is nothing within my knowledge to justify such a belief, &c." The consul general considers that the only effectual means of suppressing the slave trade is in the power of the British government, and that is by urging the Spanish government to fulfil its treaty stipulations with Great Britain, by which Spain, partly for a pecuniary consideration, declared the Spanish slave trade to be abolished in all parts of the world.

As I have heretofore remarked, if slaves could not be sold they would not be bought; and as Cuba is now the only remaining mart for this traffic, if that island were closed, this revolting employment would cease. No man doubts that if the Spanish government were seriously disposed in good faith to comply with these obligations, its firmly established authority would enable it to do so without delay and without any serious opposition. And as little doubt can exist that if the British government should announce its determination, and adhere to it, that the suppression treaties with Spain should be executed, and the slave trade thus abolished, the Spanish government would at once take effectual measures for the accomplishment of the object. This done, the claims of humanity would be enforced, and all the difficult and dangerous questions, which are continually arising out of the employment of armed cruisers in this service, and threatening the peace of the principal commercial powers, would disappear. And certainly the facts stated upon the authority of the British government, that the government of Spain persists in screening and favoring this trade, and that the corruption of Spanish officials in Cuba is notorious, and the price of connivance publicly known, and that many of them return to Spain "enriched by the gold they have amassed as the price of African blood," furnish powerful motives for the prompt and efficacious interposition of England.

I desire you would assure Lord John Russell that, both in the force it employs and in the instructions it has given, the best efforts of this government have been exerted to prevent the prostitution of the American flag to the purposes of the slave trade, and that there is no need of endeavoring to stimulate it to more vigorous action by reminding it of its obligations. Such representations, however well intended, by continued repetition, may assume the appearance of remonstrances, if not of reproaches.

We have experienced naval officers upon the coast of Africa, as honorable and efficient as are found in any other service, who keep the government informed of all the occurrences of any importance in that question, and of the state and prospects of the slave trade, and who present from time to time such suggestions as they deem useful, connected with the action and the duties of the United States. From their reports, it is obvious that there is much in the conduct of the British officers of which this country may justly complain, and these reports, not less than various occurrences referred to in this despatch, warn the United States of the necessity of unceasing vigilance where the safety of their vast interests upon the ocean is brought in question.

The despatch of Lord John Russell contains a grave charge against ıe American consul at Matanzas, founded upon the report of Lieut. lodgkinson, and said to have been derived from information furnished y the master of the "Soulé." The charge is, that "the papers, ticles, and all (of the Soulé) were got from the American consul by eans of money furnished by a Señor Sorriente." Soon after I received ıis despatch I directed the consul general of the United States at avana to proceed to Matanzas and investigate carefully the conduct of ıe consul, and also to make an examination into the mode of operation the slave trade dealers, and into the criminal use of the American ag, in order that this government might be the better enabled to revent the violation of its laws. The report of the consul general ras received a few days since, and I embody in this letter a consider- ble portion of it, and trust it will furnish a useful lesson, and lead o more caution hereafter, especially when the character and conduct of honorable American officers are assailed and condemned.

The consul general, Mr. Helm, reports that he proceeded to Matanzas, and there learned, from the records of the consulate, that the brig "Rufus Soulé" arrived at that port on the 16th day of June, 1858, with an inward crew of nine persons, two of whom were foreign seamen; that on the 28th day of the same month, J. Davis, then master, cleared his brig for Cardenas, without a change of crew, but, for some reason, the vessel did not sail; afterwards six of the crew deserted. On the 6th of July six seamen were shipped; Davis surrendered the command; Thomas Anderson, the first mate, was appointed master, and the vessel was cleared for Fernando Po, a Spanish island near the coast of Africa, without any evidence of a sale or of a change of nationality in the consulate. All the entries in the several record books—"the ship's daily journal," "the fee book," and the "detailed list of seamen shipped, discharged, or deceased"—show the foregoing facts.

I am, therefore, of the opinion that Lieutenant Hodgkinson, the officer commanding the "Viper," was mistaken in his statement "that the consul's name was not appended to the re-entered crew, although it was to the crew paid off." His name was, no doubt, appended to the certificate or declaration of the master as to the desertion of the crew, and was not appended to the articles, except in a certificate, attached by a seal, which might have been severed or accidentally have fallen; which mistake might easily be made by one not familiar with our mode of shipping and discharging seamen or reporting deserters.

Mr. Helm also reports that he has no doubt but that the "Rufus Soulé" was sold to a slave-dealer; and that just before she sailed, the American consul was verbally informed, by the British vice-consul, that she was intended for the slave trade; which information, he says, the American consul no doubt communicated to the commander of the only American ship then in port, who was prevented, by the special service upon which he had been ordered, from pursuing the "Soulé." With respect to the American consul at Matanzas, Mr. Garesché, who has been so unjustly assailed, Mr. Helm bears this honorable testimony to his character and conduct. "Mr. Garesché," he says, "was an old gentleman, some seventy-five years of age—a man of such high

integrity that he would have scorned to accept money, except in the legitimate performance of his duty, and every American at Matanzas is willing to proclaim the charge of complicity on his part in this, or any illegal act or wrongful transaction, a base slander. He may not have been active and efficient, but (though I have never seen him) I am satisfied, from all I learn, that a more honorable gentleman never represented his country abroad." I am sure Lord John Russell will regret that his despatch has been made the vehicle of such aspersions upon a man so worthy of general esteem.

But the despatch from the English foreign office, after disposing of the case of the "Rufus Soulé," and approving the occurrences that took place, proceeds to administer a rebuke to the government of the United States, which the President has read with equal surprise and dissatisfaction, and which is not supported, in our judgment, by the facts advanced, nor compatible with that respect which is due from one independent nation to another. This unacceptable proceeding consists in the allegation that this government, as well as its officers, has been too ready to give credence to the statements of individuals who have formed portions of the crews of slave-trading vessels, captured by British cruisers, that have not been entitled to the protection of the American flag, and that the British government has been called to investigate complaints unsupported by any corroborative testimony.

In the efforts which are now made to put an end to the slave trade, the merchant vessels of the United States are liable to be forcibly boarded, searched, and captured. The right to do so is peremptorily disavowed, and the parties are in perfect accord as to the principles of the immunity of their respective flags. Mistakes may be made in good faith and without injury, and when such mistakes occur, the trespass would be readily excused. But perpetual vigilance is necessary to prevent those abuses which are almost necessarily incident to the meeting of the vessels of different nations, where there are present force and distant responsibility on one side and weakness on the other.

When a case is presented with the complaint that outrages against our flag have been committed, it is equally the right and the duty of this government to investigate the testimony, and then to adopt such a course as the circumstances may, in its opinion, require. Such investigation is liable to error, as, indeed, is the examination of all human testimony. And this is a misfortune to which the British government is equally exposed, when the conduct of its officers is subjected to inquiry upon complaint of aggressions committed by them.

I cannot understand what just objection there can be to these investigations. They ought, indeed, to be invited rather than repelled, and the government, whose force is often employed in the exercise of a dangerous and illegal maritime jurisdiction, should be ready, it seems to me, at all times to examine the conduct of its officers and to apply the proper remedy, where a remedy is required, rather than manifest dissatisfaction at being called upon for its interposition. The complaint of Lord John Russell is that statements made of trespasses committed by British armed ships upon vessels not entitled to the protection of the American flag are listened to with too much

cility. But whether these vessels are entitled to this protection is, most cases, precisely the question at issue; and whenever this government has grounds for believing that its flag has been violated by an armed party acting under British authority, it will not fail, in a respectful manner, to present the case to the British government, in the confident expectation that it will be fairly examined and justly dealt with.

But apart from the principle which should regulate the conduct of friendly nations under these circumstances, it is worthy of inquiry whether the reproof administered by Lord John Russell is borne out by the facts which have taken place; whether any such practice as charged is deducible from the number or nature of the cases to which the attention of the British government has been invited.

The charge, is that this government and its officers have given too much credence to the complaints referred to, and that the knowledge of this disposition and of these cases having been thus taken up, has not a little emboldened the proceedings of the "slave-dealers" and tended much to the abuse of the American flag. These are grave criminations. Will they stand the test of examination?

The first examination is whether the number of causeless complaints presented to the British government has been such as to justify this reproach. To ascertain this, I have caused the necessary examination to be made, and I find that since I have been connected with this department, now somewhat more than three years, ten cases have occurred, to which the attention of the British government has been called for outrages alleged to have been committed in the African seas upon vessels believed to have been American.

Mr. Dallas, in a letter to Lord Malmesbury, characterizing the nature of these reclamations, observes that they "have, it is believed, without exception, been accompanied by compressed statements of their substantial points, showing with convenient brevity the facts relied upon, and the inferences deducible from them, in favor of each claim."

I have omitted from this examination the cases of aggression committed upon American vessels in the months of March, April and May, 1858, in the Gulf of Mexico, because they do not come within the scope of this discussion. They involved no question of the sufficiency or credibility of evidence, but were the consequence of the attempt to enforce the pretension of a right on the part of the British naval officers to board and examine all American vessels. Their occurrence occasioned great excitement in this country, and the immediate action of the government and the appeal which was made to the government of Great Britain were effectual, and this pretension was disavowed, and orders given for its abandonment.

Returning now to the ten cases referred to upon the coast of Africa, I ask, Does the disposition made of them justify the charge preferred by Lord John Russell? Does it show any such settled practice on the part of this government of presenting unjust claims destitute of any sufficient evidence to warrant the applications for their examination? It is presumable that three years are quite enough to test the mode of action of this government.

Looking into the history of these cases, it is found that in four of them the conduct of the British officers was censured, and the proceedings disavowed by their government; that in two of them it is not denied that the vessels were boarded by British armed parties, though these acts are defended upon grounds which are urged by Lord Malmesbury, but which, in my opinion, are wholly insufficient to justify the aggressions. But be that as it may, no one can question that the circumstances rendered it the duty of the American government to demand an investigation. I will not call the seventh case, that of the "Anglo Saxon," "a type" of the course pursued in the search of American vessels, but it certainly illustrates the positions which are taken in its defence. This vessel was undoubtedly furnished with American papers, and was forcibly boarded by a party from the British ship "Archer," under circumstances which are well presented in a despatch from Mr. Dallas to this department.

"In the opinion of Lord Malmesbury," says Mr. Dallas, "the suspicious conduct and appearance of the 'Anglo Saxon,' as narrated in the report of Captain Anderson, led to her being detained and visited. The features which made her obnoxious to these suspicions are not enumerated, unless the delay in hoisting her flag, and, when hoisting it, the execution of the uncommon proceeding for an American vessel, of dipping it three times, be regarded as such. Nothing beyond this is intimated, and perhaps it would have been quite as well that Captain Anderson had reported himself to have acted upon his own mere volition, as to have adverted to incidents in themselves so perfectly harmless and insignificant. If excusatory suspicion that a vessel is trading in slaves can be predicated of matters like these, no end to the surveillance and interruption of our commerce on the African coast need be anticipated."

The "Rufus Soulé," whose capture and destruction are now the subject of discussion with the British government, is another of the vessels here enumerated. I trust that, on a review of the circumstances, Lord John Russell will concede that the appeal for investigation into this transaction could not have been neglected without the neglect of duty on the part of this government; and I am not without hopes that Lieutenant Hodgkinson will yet be visited by some mark of displeasure which will serve as a warning both to himself and to others against such conduct hereafter.

There remain two other vessels, and, upon examining the facts as they now appear, I have no hesitation in saying that there was no just foundation for the complaints which were made, and I am satisfied that they were inadvertently presented, and without due investigation.

Can it be seriously contended that the government of the United States is justly liable to the charge of listening with too much facility to complaints of outrages committed upon their merchant vessels, when the review of its course presents such a result in three years?

And these interpositions, says Lord John Russell, embolden the slave-trader to prosecute his flagitious occupation. If the circumstances justify their interposition, the United States are not responsible for any encouragement they may give, even followed by that

result, unless, indeed, it is maintained that when aggressions and outrages are committed upon American vessels on the ocean, this government should refrain from demanding any inquiry and redress, lest, by so doing, the slave-traders might be stimulated to more vigorous exertions. There is no doubt, if the United States should abandon all protection of their own flag, and should suffer their vessels to be captured without objection, the slave-dealers would sometimes be apprehended where they now escape. But there is little probability that such a proposition will be anywhere seriously made.

But what cause for renewed courage in the prosecution of their enterprises these demands upon the British government would have given to the slave-dealers I am not able to conjecture. The result of the applications for redress has been as profitless for them as for anybody else; indeed, so far as regards pecuniary compensation, I cannot find, on inquiry, that a single dollar has ever been paid in compensation for injuries suffered by vessels, and which have been made the subjects of complaints to the British government. I cannot find that a single officer has been brought before a court-martial or dismissed from the service. In one case an officer was censured, while in one or two other cases there was a change of station, but, it is believed, without at all affecting the professional standing or the advancement of the officer implicated. The sentiment which prevails in the British navy upon this subject is anything but favorable to the continuance of that friendly regard which our respective countries have so many powerful motives to cultivate, and it is truly indicated by the views of Commodore Wise, in his report to the secretary of the admiralty, of July 11, 1860, while pleading the cause of Lieutenant Burton, who had been guilty of an indefensible aggression upon the American ship "Orion," and who was censured by the British government. "I trust," said Commodore Wise, "their lordships will attribute Mr. Burton's conduct to an error in judgment. I know that for the future he will turn a deaf ear in similar cases to the calls of humanity, bearing in mind that the blood of the unfortunate slaves, murdered under the protection of the American flag, will not be placed to his account, but to that of the country from whose ports slavers are daily and undisguisedly clearing."

This judgment of condemnation needs no comment; admits none, indeed. The report of a British officer to his superiors is a matter with which this government has no concern; but its own self-respect demands that effusions like this should not be officially communicated to it by any government whatever. I am persuaded that it found its place among the papers transmitted from the foreign office inadvertently, and without the knowledge of Lord John Russell; and I indulge the confident expectation that such an unpleasant accident will not again occur.

In conclusion, you will be good enough to assure her Britannic Majesty's principal secretary of state for foreign affairs that the expression of his belief that the cabinet at Washington is sincerely desirous to put a stop to the prostitution of the United States flag is received as an evidence of friendly feeling, not the less acceptable because this tribute to truth is but an act of justice; and I will thank

you also to communicate to his lordship the opinion, which is confidently entertained here, that, in the prosecution of their schemes of enslavement, the men devoted to this traffic are far more emboldened by the immunity which is assured to them by the destruction of their papers than they are by any readiness on the part of this government to listen to the complaints which are made of outrages committed against its flag.

You are authorized to leave a copy of this despatch with her Majesty's principal secretary of state for foreign affairs.

I am, sir, very respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Mr. Cass to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 3, 1860.

MY LORD: The copy of the instruction from Lord John Russell to yourself, of the 6th of February last, which was left some time afterwards at this department by your lordship, concerning the alleged increase of the slave trade, and the employment "more and more" of United States capital in the traffic, has been submitted to the President and has engaged his attention. As I have, within a few days, addressed some remarks to Mr. Dallas upon topics embraced in that instruction, which will probably be communicated to her Britannic Majesty's principal secretary of state for foreign affairs, I shall not repeat them here. If there has been any recent increase in that trade, or any employment of American capital in its prosecution, of which employment I have seen no proof, this government, not less than the government of Great Britain, regrets these lamentable occurrences, and is prepared at all times to employ all the legal means in its power—so far as American citizens are concerned—for the prevention and punishment of such violation of our laws.

It is undoubtedly true, as stated by Lord John Russell, that a vessel sailing with regular American papers, whatever be her employment, is beyond the reach of search or capture by the naval force of any other government. This immunity is an attribute of national sovereignty, now universally recognized, and protects from foreign jurisdiction all persons on board such vessels, whatever crimes against human life or human freedom they may have committed. It is not the less true that occasions may occur when heinous offenders may escape merited punishment, in consequence of the inviolability assured to them by this principal of protection against arrest by any power but that of their own country. The same thing may also happen upon land as well as at sea; and territorial jurisdiction may often operate to prevent punishment from overtaking the guilty. But in all these cases, by universal assent, the criminality of the action, and the disposition to be made of the persons accused, depend exclusively upon

he laws of the country within whose jurisdiction, whether territorial r maritime, the transaction may have taken place. The practical ifficulty, by which the right of foreign interference can be safely econciled with this great principle of exemption upon the ocean or ie land, is obvious and everywhere felt. Events which are now assing leave untouched the question of territorial interference, and mit the proposition for participation in the exercise of sovereign ower to the ocean. Such a divided police over their own vessels upon he great highway of the world, subjecting the freedom and security of heir citizens and commerce to the will of any officer who may happen o command a foreign armed ship, is viewed with great repugnance by the United States. No plan has yet been proposed, nor is it easy to devise any, by which their objection to it can be obviated. And I beg leave to remind your lordship that this principal of exemption is carried so far in England that the proposition of the United States for granting to American and British consuls the right to inquire into crimes alleged to have been committed at sea on board the vessels of their respective nations entering the ports of the other party, and to commit and send home for trial the persons found guilty, with a view to their punishment, and to the prevention of crimes and cruelties to which the public attention has been so much directed, has been rejected. Such an arrangement has been made by the United States and France, and is in satisfactory operation. But, notwithstanding the difficulties I have suggested, I assure your lordship that this government is prepared to receive, and respectfully to consider, any proposition which the government of her Britannic Majesty may think proper to present, having in view the adoption of more efficacious measures for the suppression of the slave trade.

Lord John Russell refers to the treaty engagements into which Spain has entered with Great Britain for the total abolition of this traffic. As I have adverted to this subject in the despatch to Mr. Dallas, already mentioned, I will merely remark here, what, indeed, is well known everywhere, that it is in the power of the Spanish government to put a stop to this revolting employment, whenever it is seriously disposed to do so, by preventing the introduction of slaves into the Island of Cuba. As that is the only mart in the world for their sale, if it were closed the great object which so seriously engages the solicitude of Christendom would at once be attained.

The obligations which Spain has assumed upon this subject constitute a question as to their fulfilment between that country and England, in which I do not see how other nations can properly interfere. As Lord John Russell remarks, the British government has the right by its own means to enforce the observance of its treaties with Spain upon the subject of the slave trade. If this cannot be effected without a resort to the extreme measures, to which allusion is made, Great Britain must determine for herself what course she ought to adopt. I cannot believe that Spain, in view of the condemnation of her conduct by the world, and of the obligations under which she has voluntarily placed herself, would leave her American possessions open to this traffic, if once satisfied that Great Britain were determined, be the con-

sequences what they might, to enforce the observance of these conventional stipulations.

Under any circumstances, I cannot perceive that any practical advantage would result from the proposed assemblage in London of the diplomatic representatives of the powers enumerated.

Besides, it is the policy of the United States to avoid participation in councils or conferences of this nature, and the President thinks it would be inexpedient upon the present occasion to depart from this policy. But I renew, however, the assurance that this government will receive in a proper spirit, and respectfully consider, the views referred to by Lord John Russell, should its attention be called to them by the government of Great Britain.

With great respect, I have the honor to be your lordship's obedient servant,

LEWIS CASS.

Lord LYONS, *&c., &c., &c.*

Mr. Cass to Mr. Dallas.

No. 245.] DEPARTMENT OF STATE,
Washington, April 3, 1860.

SIR: I have to acknowledge the receipt of your despatch No. 246, enclosing a copy of Lord John Russell's reply to your note to him of the 1st ultimo, respecting the firing with small arms into the American bark "Amazon" by the British war steamer "Virago," a copy of which accompanied your despatch of the same date, and to state, in reply, that under existing circumstances it is not deemed necessary to pursue the subject further.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

Mr. Cass to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 5, 1860.

MY LORD: I have had under consideration the memorandum left at this department by your lordship, suggesting the expediency of detaching a part of our force employed in the suppression of the slave trade to the eastern coast of Africa, and I have conversed with the Secretary of the Navy upon the subject. Under existing circumstances, it has not been thought best at present to remove any of our vessels from the stations where they are now employed to the more distant regions beyond the Cape of Good Hope.

I have the honor to be, my lord, with high consideration, your lordship's obedient servant,

LEWIS CASS.

Lord LYONS, *&c., &c., &c.*

Mr. Cass to Mr. Dallas.

[o. 247.] DEPARTMENT OF STATE,
Washington, April 6, 1860.

SIR: I herewith transmit to you the copy of a letter of the 2d instant, ldressed to this department by the Secretary of the Navy, with a ›py of the papers from the flag-officer of the United States squadron ı the coast of Africa, which accompanied it for my perusal. These ıpers have reference to the boarding of the American brig Jehossee, ƴ the commander of her Britannic Majesty's ship Falcon, in the month : January last.

You will lose no time in communicating a copy of these papers to er Britannic Majesty's principal secretary of state for foreign affairs, nd in signifying to him the confident expectation of the President hat a strict inquiry will be instituted into the conduct of Commander Fitzroy, on the occasion referred to, by her Majesty's government, ın order that if the charges preferred against him should prove true, his conduct may be visited by the just displeasure of his government, and such punishment be inflicted on him as he has justly incurred, and as will operate hereafter as a warning to other officers against the violation of the rights of the United States.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

NAVY DEPARTMENT, *April* 2, 1860.

SIR: I have the honor to transmit herewith, for your perusal, original despatch No. 45, of the 4th of February last, with enclosures just received from the flag-officer of the United States squadron on the coast of Africa, in relation to the boarding of the American brig Jehossee by the commander of her Britannic Majesty's ship Falcon.

I am, very respectfully, your obedient servant,

ISAAC TOUCEY.

Hon. LEWIS CASS, *Secretary of State.*

[For the despatch above referred to see Navy Department correspondence.]

Mr. Helm to Mr. Cass.

[o. 18.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, April 11, 1860.

SIR: The ship "Erie," of New York, arrived at this port from iverpool, *via* Shields, on the 20th day of January last, with a cargo f coal; this ship had been dismasted somewhere on the coast of

England, and the captain had taken up some $4,000, on bottomry, to be paid ten days after his arrival at this port. This amount he could not arrange, and for several months remained here under great excitement, awaiting authority to draw on the owner at New York, being himself the owner of one-fourth of the vessel; during this time five of the crew deserted. On the 17th ultimo, the captain, Gilbert A. Kundson, retired from the command, giving, as the reason, that he was old, sick, had chartered his vessel, and that it was necessary he should proceed immediately to New York to attend to his business there; when Nathaniel Gordon was appointed master of the ship. On the 21st day of March, six of the crew were discharged by me at their own request, five of them being foreign seamen, shipped in a foreign port to come to Havana, were discharged without extra wages; the sixth being shipped as an American, I exacted three months extra wages for him. Captain Gordon then gave me notice that he was loading his vessel with a legal cargo, for a legal voyage to the coast of Africa, under a charter from Captain Kundson to Messrs. Hamel & Co., when a crew of twelve seamen were shipped on the vessel, six Americans, and six foreigners, three of the old crew remaining on board, making in all fifteen persons.

I have been thus minute in the history of this vessel because I then and still very strongly suspect her despatched for a cargo of slaves; and, on the 25th of March, wrote a private note to Captain Maffitt, of the United States steamer Crusader, requesting him to come to Havana; this note was directed to Key West, where I expected the Crusader would probably be at that time, but have not heard from Captain Maffitt. On the 7th instant, the captain of the ship "Erie," having previously cleared the vessel at the custom-house here, applied for his papers, I detained the ship until the 9th, but having no evidence that the vessel had been sold, or that she was intended for the slave trade, beyond the fact that all vessels clearing from this port for the coast of Africa turn out slavers, and that the cargo was such as might be taken for legal traffic, or might be used in the slave trade; upon the captain's filing the following affidavit, I concluded to give him the ship's papers:

"I, Nathaniel Gordon, master of the ship "Erie," of New York, do solemnly swear that my said ship is chartered for a legal voyage to the coast of Africa; that the cargo on board is legal and such as is described in the manifests; that no cargo or article of any description has been taken on board of said ship, except by special permits granted by the collector of customs at this port, the contents of each article or package being described to him, and by him described in his permit before being taken on board; and I further swear that I will not, during the voyage, engage in any unlawful trade, or permit the said ship to be engaged in any trade which is prohibited by or contrary to the laws of the United States of America. I further state that the said ship has not been sold at this port, to my knowledge.

"NATHANIEL GORDON.

"Subscribed and sworn to before me the date above.

"CHARLES J. HELM,

"United States Consul General."

Though I am morally convinced this vessel, if not taken, will bring cargo of African negroes to Cuba, I am equally convinced that if I tained her here, every person connected with her would asseverate at she was intended for legal trade; and if there be a legal commerce tween this and the coast of Africa, and between the coast of Africa id the United States, I am of opinion that I have no right, under e law, to detain her, after being regularly cleared at the custom-ouse here, and complying with all rules and regulations of this port, nless the vessel had been sold, of which there is no evidence, and if ue, the probability is that the fact could never be established.

These cases give much trouble and great vexation. The Spanish overnment, by granting the clearance, declares that there is *at least rima facie* evidence that the cargo and voyage are legal, and with ess facilities for obtaining the facts in the case, I must, if I detain he vessel, rebut this evidence, which I can seldom or never do.

I my despatch No. 34, dated December 27, 1858, I remarked that, 'in the absence of any instruction from the department in reference o the power of a consul to detain vessels suspected as being fitted out or the slave trade at the several ports of this island, or of the proof necessary to justify such detention, or of his duties and power touching such vesels and their crews after such detention, and of the total absence of any, the slightest intimation from the department as to what is expected from the consul in any case which may arise, constant embarrassments are met with, which are not relieved by the several enactments of Congress for the suppression of the slave trade.

"The law is very full, and meets every possible case where the vessel has been fitted out in any of the ports of the United States, or where vessels are detected in transporting negroes from one foreign port to another, or from a foreign port to any of the ports of the United States, but is silent as to their being fitted out or equipped in a foreign port for this illegal traffic, or of the duties of consuls touching the subject.

"Though willing to assume any responsibility in the performance of my duties, yet, it strikes me as important, in view of the various serious questions which may grow out of the construction of treaty stipulations, and of national obligations as affecting this subject, that there should be some general rules established by the department, or by the Attorney General, for the guidance of consuls in this island; and I have very respectfully to request that such instructions be given as will enable me to comprehend the views and wishes of the government in reference to my future action in the premises."

To that despatch I have received no reply. I have now very respectfully to suggest, as the best mode to relieve the government of the United States from all responsibility on account of the slave trade by vessels which sail from Cuba, and throw the *onus* on the Spanish government, where it of right belongs, that I be instructed to give notice to the captain general, that all American vessels cleared at the custom-house here, will be despatched at this office, as it is believed the Spanish government has better and greater source of information as to their object and destination or connexion with the slave trade, than the consul general of the United States can possibly have, and is

equally interested in suppressing this human traffic as the United States, and that she will not clear a vessel believed to be engaged in a traffic which she is bound by her own laws and by treaty stipulation to suppress.

Such a course would perhaps do more towards suppressing the slave trade than any effort which our government could make, as her officials here are powerless, while those of Spain are clothed by law with complete authority over the subject. And should Spain do nothing to prevent the slave trade with Cuba, England then might be compelled to direct her attention to Spain, instead of making her sham attacks upon the United States.

I am, sir, your obedient servant,

C. J. HELM.

Mr. Black to Mr. Cass.

ATTORNEY GENERAL'S OFFICE, *May* 3, 1860.

SIR: There is no statute which requires an American consul in a foreign port to retain the papers of vessels which he may suspect are destined for the slave trade. If this power be not given by law, the want of it cannot be supplied by departmental regulation. When Congress enumerated the grounds upon which a consul might detain the papers of a ship in a foreign port, this was omitted no doubt for satisfactory reasons. If the commander and crew are bent on a piratical voyage, measures much stronger than this will be required. In such a case, the vessel may be seized and sent into the United States for such proceedings as will not only break up the voyage but condemn the vessel and punish the crew and officers as criminals. The naked right to detain vessels would be of little avail without the presence of some naval force to carry it into effect, and when such naval force is present, the commander can do all that is necessary under existing laws, without any warrant from a consular officer.

Very respectfully, yours,

J. S. BLACK.

Hon. LEWIS CASS,
Secretary of State.

Lord Lyons to Mr. Cass.

WASHINGTON, *May* 4, 1860.

SIR: Her Majesty's government have been informed that a brig called the "Delicia," fully equipped for the slave trade, but without colors or papers to denote her nationality, was captured off Cabenda on the 21st December last, by the United States ship "Constellation." It appears, however, that the "Delicia," together with her crew, has been discharged from custody in the United States, on the ground

that there is no act of Congress under which either vessel or crew can be prosecuted in the courts of law. I am instructed to call the attention of the United States government to this matter, and to state that, as nearly all the slave vessels on the African and Cuban coasts, when captured in flagrante, have neither colors nor papers to denote their nationality, it is a matter of considerable interest to her Majesty's government to know what course the commanders of United States cruisers will be authorized to take with regard to such vessels.

I am moreover directed to ask whether the government of the United States deem it advisable to take any steps to remedy the imperfection which appears to exist in the United States laws, and which cannot fail materially to affect the efficient action of American cruisers for the suppression of the slave trade.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. LEWIS CASS,
Secretary of State, &c., &c., &c.

Lord Lyons to Mr. Cass.

WASHINGTON, *May* 5, 1860.

SIR: I am directed to acquaint you with the circumstances under which the brigantine "George William Jones," under American colors, was boarded off the river Pongo on the morning of the 18th February last, by the boats of her Majesty's ship "Arrogant." I am at the same time instructed to express to you the regret of her Majesty's government at the occurrence.

It appears that her Majesty's ship Arrogant, under the command of Commodore Edmonstone, arrived off the river Pongo on the evening of the 17th February, having on board two clergymen, on their way to the mission at Foslinghia. At daylight on the following morning the commodore despatched two cutters with the clergymen and their luggage, and having observed a brigantine at anchor about five miles from the mouth of the river, he instructed the lieutenant in charge of the boats to board her on his way. It seems that the vessel at the approach of the boats hoisted American colors, and that upon the boats coming alongside, a rope was thrown to them, and the officer in charge was allowed to go on board. Leave was asked for the boats to remain alongside for a few minutes to rest their crew, and was readily granted. After the lapse of a quarter of an hour, the officer, intending to make a fresh start immediately, requested to see the ship's papers. He was told that the captain was on shore, and that the mate did not know where they were kept nor anything about them; and that the captain would probably be away for three or four days. The mate being again requested to produce the papers, went to look for them. He came back in half an hour saying that he could not find them, but if the captain were on board, no doubt all would

be found to be right. A fresh application for the papers was made, accompanied by a statement that if they were not forthcoming the vessel must be sent out to the commodore. Upon this they were produced but on inspection did not prove to be regular.

The first paper shown to the boarding lieutenant was the "manifest," the declaration at the foot of which was not filled in, nor signed, nor dated, nor sworn to. This at once gave rise to a suspicion that the vessel was flying false colors, and under this impression the other papers were closely examined and were found to be in many points informal. Upon consideration, the lieutenant considered it to be his duty to send the vessel out to the commodore, in charge of a British officer and crew. The vessel having to work up against a foul wind did not join the commodore until 10 p. m. He was consequently unable to examine the papers until the following morning. He then sent for the mate who brought his register and log-book. The register was found to be perfectly formal, and the nationality of the vessel being thus fully established, the commodore at once sent her back to her former anchorage in charge of an officer and crew.

No detention, as regarded the cargo, took place, and the mate expressed himself satisfied that the vessel had not sustained any damage or loss. A note of the circumstances was made in her log.

Commodore Edmonstone has expressed his great regret that the vessel should have been interfered with, and he has strongly impressed upon the officers under his command that the legal registry, when produced, is of itself sufficient to establish the nationality of an American vessel.

The officer who boarded the "George William Jones" appears to have been led into error by being shown the informal documents already mentioned before the register was produced. This gave rise to doubts, especially as the general appearance and internal fittings of the vessel led to the belief she would be ready to receive a cargo of slaves on any opportunity, and as the fact of her being anchored off the Pongo river appeared to be in itself suspicious.

Having thus communicated to you the substance of the report made to her Majesty's government by Commodore Edmonstone, it only remains for me to repeat the expression of their regret at the occurrence to which it relates.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. LEWIS CASS, *&c.*, *&c.*, *&c.*

Mr. Appleton to Mr. Helm.

DEPARTMENT OF STATE,
Washington, May 5, 1860.

SIR: Your despatch No. 18, touching the slave trade, has been received and referred to the Attorney General.

A copy of his opinion relative to the inability of a consular officer

to detain a vessel after a regular clearance by the local authorities of the port, and the payment of all demands and wages on account of such vessel, is herewith enclosed for your information and guidance.

The course which you propose to take in respect to all American vessels which are cleared at the custom-house in Havana is approved by the department.

I am, very respectfully, your obedient servant,

JOHN APPLETON,
Assistant Secretary.

C. J. HELM, Esq.,
United States Consul General, Havana.

Mr. Appleton to Mr. Toucey.

DEPARTMENT OF STATE,
Washington, May 8, 1860.

SIR: I have the honor to transmit herewith an extract from a despatch* received from the United States consul general at Havana, respecting the suspicious character of the ship "Erie," of New York, now at Havana, and also touching the clearance of American vessels from that port, under circumstances to warrant the suspicion that they are about to engage in an illegal traffic.

The opinion of the Attorney General, to whom the despatch of Mr. Helm was referred, is also transmitted for your information, and for such action in relation to it as you may think proper.

I am, sir, your obedient servant,

LEWIS CASS.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

Mr. Woodbury to Mr. Cass.

OFFICE OF UNITED STATES ATTORNEY,
District of Massachusetts, Boston, May 10, 1860.

SIR: There have arrived at this port three men, the master and two mates of the bark "Orion," charged with "serving willingly on board a slaver." The bark "Orion" was captured, without papers, by her British majesty's steamer Pluto, Cortland Herbert Simpson, lieutenant commanding, and carried to St. Helena for condemnation, January, 1860. The bark had been in charge of the United States steamer "Mystic" a few days before, and was American; when taken she had six or seven hundred slaves on board. These men, Morgan, Chamberlain, and Dunning, were demanded on extradition at St.

* See Mr. Helm's despatch, No. 18, April 11, 1860.

Helena, and delivered to the American authorities and brought here with copies of the affidavits taken there. The complaint is still open. Without the testimony of one of the officers or crew of the Pluto, who saw these men on board of the "Orion" at time of the capture, it will be impossible to convict them, because we cannot prove she was engaged as a slaver.

I therefore request that the department will cause, through the minister at London, a request for one or two men to be sent by the British government here for the purpose of trial, to serve as witnesses. The fund for the suppression of the slave trade would be, I presume, properly chargeable with the expense, an arrangement as to pay per month and travel being easily effected The witness fees in court, unless the witnesses *were kept in jail* whilst here, not being enough to remunerate witnesses for the detention.

If this can be done I desire to be informed of it, as I can then procure a continuance of the cause sufficiently to get time for them to arrive, say six or seven weeks certainly. The "Mystic's" men reported that the "Pluto" was ordered to Plymouth and is probably there, so that little delay need take place in finding the necessary witnesses in England. I only require them to the one point already designated.

Please inform me whether this can be done, as your letter must serve as the reason for a continuance.

I am your obedient servant,

CHAS. LEVI WOODBURY.

Hon. LEWIS CASS,
Secretary of State.

Mr. Cass to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 14, 1860.

MY LORD: I have the honor to acknowledge the receipt of the note of your lordship of the 5th instant, respecting the boarding of the American, brigantine the "George William Jones," by the boats of her Britannic majesty's ship "Arrogant," and to express the gratification of the President at the prompt and satisfactory disavowal by the British government of the conduct of the officer who commanded upon that occasion, as well as at the regret manifested by Commodore Edmonstone that the vessel should have been interfered with.

No information concerning this transaction has reached this department except what is contained in your lordship's note. Though I do not find in perusing it that any force was ordered to be employed, nor that any was actually employed in effecting an entry into the brigantine, still the circumstances attending the measure furnish another illustration of the danger to be apprehended from these interferences, and I trust your lordship will urge upon the attention of Lord John Russell the necessity of the most peremptory orders against

legal proceedings, which gave great concern to this governnd are peculiarly offensive to the people of this country.
ıld any representations be made to this department requiring er investigation of the facts in the case, I shall again ask your p's attention to it.
ail myself of this opportunity to renew to your lordship the ıce of my distinguished consideration.

LEWIS CASS.

ı Lyons, *&c., &c., &c.*

Mr. Helm to Mr. Cass.

] Consulate General of the United States of America,
Havana, May 16, 1860.

On the 11th ultimo I had the honor to report to the departıt some length, the circumstances connected with the clearance ship "Erie" at the custom-house of this city on the 6th, and ling for the coast of Africa on the 9th of the same month, with ɔmments and suggestions as I deemed important. On the 2d I received a communication from his excellency the Captain ıl Serrano, dated 30th ultimo, in which he informs me that he ıe order for the clearance of this vessel, notwithstanding he ined some suspicion that she was intended for the slave trade, at he had communicated his suspicions to the consul general of ıd, that he might cause the ship "Erie" to be pursued by a cruiser. To this note of his excellency the captain general, ɔd on the 5th, and now respectfully call the attention of the ment to these two notes, which will be found interesting, as ıtive of the course which has been and will be adopted by Spain subject of the slave trade, copies of which are herewith en-

pe my interpretation of international law, both touching the ssion of the slave trade and the right of search or visitation, approved by the department. The note of his excellency the ı general was not intended to be offensive, as he has on all oc- before and since, whether public or private, exhibited a degree ntion and consideration for myself which has not characterized ɔortment towards any other consul general; and though his ·idently shows that no effort will be made on the part of the h officials here to suppress the slave trade, I am inclined to it was written without reflection on his part.
ɔnnexion with this subject I have to report that on the 11th the bark "White Cloud," of New York, was cleared at the -house here for Montevideo and Buenos Ayres, under a sealed ce. Circumstances led me to suspect that this vessel was also ɔd for the slave trade; and when, on the evening of the same ıe captain appeared for his papers, I declined despatching the

vessel until I could investigate the matter further. I broke the seal of the clearance, and found the cargo identically such as is ordinarily employed in the slave trade.—(See list herewith enclosed.) I then addressed a note to the intendant of customs (marked urgent) asking to be informed whether the cargo for which permits had been granted by him was such as is the subject of legal trade under the laws of Spain, or whether such as is ordinarily used in the African slave trade. To this note, a copy of which is herewith enclosed, no reply has been received, though six days have elapsed. In the meantime I discovered that the "White Cloud" had been sold at New York to José Pernias, of Havana, and for that reason peremptorily refused to permit the vessel to leave the port under American colors; when the said José Pernias appeared with an ample power of attorney from Peire L. Peirce, of New York, who appears in the register as the owner, and represented that he had sold her to a citizen of Buenos Ayres. As the evidence of ownership in Pernias would have been difficult to get at, and perhaps would not have been sufficient in a court of justice to establish the fact, I concluded to permit the transfer, discharge the crew with extra wages, and cancel her American papers. The "White Cloud" is now wearing Buenos Ayrean colors, is again cleared for Buenos Ayres, and will sail in the morning.

The department will at once perceive from the history of this vessel, as well as that of the "Erie," that the authorities here are not disposed to aid in the suppression of the slave trade, but that I have endeavored to throw the *onus* upon them, and make the Spanish government responsible to the world, as she of right ought to be, for keeping open the slave market of Cuba.

As vessels are often fitted out at this port for the coast of Africa, and our laws do not reach and cannot be executed in the ports of Cuba, I would respectfully suggest that one of our naval steamers be stationed at Havana, always in readiness to pursue and capture such vessels, which could be taken into Key West, and there tried and condemned according to our laws.

I have the honor to be, with great respect, your obedient servant,

CH. J. HELM.

Hon. LEWIS CASS,
Secretary of State, Washington, D. C.

GOVERNMENT, CAPTAIN GENERALCY, AND SUPERINTENDENCY BY DELEGATION OF THE EXCHEQUER OF THE EVER-FAITHFUL ISLAND OF CUBA.

Office of the government secretary, section of improvements.—Bureau on affairs of emancipated negroes.—Register 2, *No.* 3865.

The intendant general stated to me about the middle of the month last past, that Messrs. Hamel & Co., merchants of this place, had asked the registration and despatching of the American ship *Erie*,

n Gordin or Gorvin, for St. Thomé, Ambricas, and the river
, on the coast of Africa.
much as the custom-house regulations in force do not authorize
tention of a foreign vessel that is despatched for a lawful trade
t country, I have addressed an official letter to the intendancy,
permission for the sailing of the said ship, notwithstanding
s a suspicion that she may be going with the object of conveying
edition of negroes. However, for in case that such may be her
se, I on this date communicate the foregoing advices to the
general of England that he may make of them the use he may
expedient, in order that the vessel aforesaid may be watched and
d by a cruiser of her Britannic Majesty.
of which I say to you for your information, and for whatsoever
ses you may consider proper.
preserve you many years.

ANA, *April* 30, 1860.

FRANCISCO SERRANO.

CONSUL *of the United States in this place.*

---

the cargo of the bark White Cloud, of New York, as specified in permits granted by the intendant of customs for the port of Havana, with which the vessel was cleared for Montevideo on the 11*th of* , 1860.

iron bars; 6 boxes of knives and machetes; 8 bundles with 100
8 rolls of rope; 4 rolls of devla y meollon; 1 barrel of pitch;
el of rosin; 1 barrel of chalk; 1 barrel of nails; 1 roll of oakum;
of smoked pork; 100 pipes of Cuban rum; 5 barrels of beef; 2½
of red wine; 400 arrobas of beans; 500 arrobas of rice; 30 empty
; 8,000 feet of pine lumber; 400 demijohns of gin and anisado;
rels of American ship bread, weighing 82 pounds each.

C. J. HELM.

S. CONSULATE GENERAL,
Havana, May 16, 1860.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, May 5, 1860.

: I have the honor to acknowledge the receipt, on the evening
2d instant, of your excellency's note of the 30th ultimo, ad-
d to me as "consul" of the United States, no doubt through
ke, in which you inform me that, in the middle of the month
ast past, the American ship "Erie," at the instance of Messrs.
l & Co., was cleared at the custom-house for the coast of Africa;
inasmuch as the custom-house regulations in force do not au-
e the detention of a foreign vessel that is despatched for a law-
ade to that country, you had addressed an official letter to the
lancy, giving permission for the sailing of the said ship, not-

withstanding a suspicion that she may be going with the object of engaging in the slave trade ; and that you had communicated the facts and your suspicions to the consul general of England, that he might make of them the use he should deem proper, in order that the vessel might be watched and pursued by a cruiser of her Britannic Majesty.

The government of the United States in good faith, at a very early period of her history, embarked in the suppression of the African slave trade ; abolished the trade by enactment of municipal law, and made it the highest penal offence for her citizens to be engaged in the traffic, not only between Africa and the United States, but between foreign ports ; her laws also provide for the punishment of any person or persons by fine and imprisonment, whether American citizens or foreigners, who shall, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare any ship or vessel in any port or place within the jurisdiction of the United States, for the purpose of procuring any negro, mulatto, or person of color from any foreign kingdom, place, or country to be transported to any port or place whatever to be held, sold, or otherwise disposed of as slaves, or to be held to service or labor ; and provides for the forfeiture of vessels and cargo. These penal laws have been enforced at all times with great vigor in every ocean-bound State in the Union. But while the government of the United States punishes her citizens who engage in the slave trade when caught upon the high seas, and not only her own citizens but all persons who are discovered in fitting or equipping vessels *in any of her ports* to be employed in this traffic, she has no power to enact or enforce laws to prevent even American vessels from being fitted or equipped in a foreign port for this or any other trade, and must depend upon the *lax loci* for their punishment, all she could possibly do would be to withhold the papers of the vessel, the evidence of nationality.

In the first article of the treaty between England and Spain, ratified on the 28th of June, 1835, is found the following stipulation on the part of Spain : "The slave trade is hereby again declared, on the part of Spain, to be henceforward totally and finally abolished in all parts of the world." The tenth article of the treaty then describes the kind of fitting and equipping or cargo which shall be evidence of an intention to engage in the slave trade.

The government of the United States, while declaring the slave trade repugnant to justice and humanity, has never contended nor admitted that it was contrary to the laws of nations, but is a subject to be regulated by each individual State or nation for itself ; and therefore the fact that an American vessel was found on the high seas by a foreign vessel-of-war, with a cargo of negroes on board, gave to the foreign government to which the vessel-of-war belonged no right to try the crew, or proceed against the vessel. Nor does the government of the United States admit that the suspicion that an American vessel is, has been, or will be engaged in the African slave trade, gives to any foreign vessel-of-war the right of visitation or search, and any such forcible visitation or search by any foreign vessel-of-war of any American merchantman as is known to all the world,

would be regarded by the government of the United States as an unfriendly act, and an act contrary to her known interpretation of the laws of nations. Hence I was at a loss to understand the motive which could induce your excellency, always so uniform in your courtesy to myself, and in your expressions of friendship for my country, to communicate your suspicions that an American merchant vessel might be intended for the slave trade to the consul general of England, that he might cause her to be watched by a British cruiser, when it was known to your excellency that the American government has a squadron on the coast of Africa and several vessels-of-war on the Cuban coast, all kept for the express and only purpose of preventing the use of our flag in the slave trade.

From the declarations of Spain, in the treaty referred to, it was at least reasonable to suppose that she had enacted laws sufficiently stringent in their character to prevent the fitting or equipping vessels in the ports of Cuba for the African slave trade, and therefore, when the master of the ship "Erie" produced to me the sealed clearance from the custom-house of Havana, and made the following statement on oath: "That my said ship is chartered for a legal voyage to the coast of Africa; that the cargo on board is legal, and such as is described in the manifest; that no cargo or article of any description has been taken on board of said ship except upon special permits granted by the collector of customs at this port, the contents of each article or package being described to him and by him described in his permit before being taken on board;" and not hearing from your excellency or any of the officers of customs on the subject of this vessel, I took it for granted that you entertained no suspicion, and that your clearance of this vessel was evidence that her cargo was intended for lawful trade; and was therefore greatly surprised when I received your excellency's note, dated twenty days after I had delivered the papers to the master and the "Erie" had sailed.

I have the honor to be, with considerations of great respect and esteem, your obedient servant,

CHAS. J. HELM.

His Excellency the Captain General
Sor D. Francisco Serrano,
Governor, Captain General of Cuba, &c., &c.

Consulate General of the United States of America,
Havana, May 11, 1860.

Sir: The American bark "White Cloud" has applied for her papers in this office under a sealed clearance from the authorities of the custom-house of Havana, stating that the said vessel is bound for Montevideo and Buenos Ayres.

I respectfully request of you to inform me at your earliest convenience whether the cargo for which permits were granted is such as

is regarded by your laws as the subject of lawful trade, or whether it is such as is generally employed in the African slave trade.

I have the honor to be, sir, with great respect, your obedient servant,

CH. J. HELM.

Sor D. ISIDRO WALL,
Intendant General of the Army and Treasury of the Island of Cuba, &c., &c., &c.

Mr. Cass to Mr. Dallas.

No. 256.] DEPARTMENT OF STATE,
Washington, May 17, 1860.

SIR: Enclosed I send you the copy of a letter of the 10th instant addressed to this department by the attorney of the United States for the district of Massachusetts. It will be seen that he is desirous of obtaining the testimony of witnesses belonging to her Britannic Majesty's steamer "Pluto," in a case now pending before the United States court in his district. I have accordingly to request that you will take the necessary steps for procuring and sending the witnesses in question to Boston. This will of course be done at the expense of this government. You are consequently authorized to draw on this department for the amount of any advance which it may be necessary to make to the witnesses to enable them to reach Boston.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

[The letter referred to is in its chronological order in this report.]

Mr. Dallas to Mr. Cass.

No. 264.] LEGATION OF THE UNITED STATES,
London, May 22, 1860.

SIR: Your Nos. 253 and 254 have been duly received, bearing date, respectively, the 25th and 28th ultimo.

On the 30th of April last I drew to the notice of this government the declaration made by Commander Fitzroy, of the British navy, as to the manner in which he had treated the American merchant brig "Jehossee," on the African coast, and called for a strict inquiry. In reply Lord John Russell has frankly admitted "the illegal interference," offering an apology on behalf of her Majesty's government, and alleging the seizure and detention of the "Jehossee," a vessel really pursuing a prohibited trade, to have been caused by a mistaken

belief that she was at the time within British limits and jurisdiction. The correspondence on the subject, in copy, is subjoined.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

LEGATION OF THE UNITED STATES,
London, April 30, 1860.

MY LORD: The documents of which copies are hereto annexed have been transmitted to me from the Department of State at Washington.

They contain a brief but distinct statement of the conduct attributed to Commander Fitzroy, of her Majesty's ship "Falcon," towards the American merchant brig "Jehossee," and I am specially instructed to express to your lordship the President's confident expectation that her Majesty's government will cause a strict inquiry to be made into the circumstances as charged, so that if they prove to be true, Commander Fitzroy may be made to suffer such reprehension and penalty as must be deemed justly incurred by a flagrant violation of the rights and property of a friendly nation. Renewing the assurance of my most distinguished consideration, I have the honor to be your lordship's most obedient, humble servant,

G. M. DALLAS.

Right Hon. Lord JOHN RUSSELL, *&c., &c., &c.*

LEGATION OF THE UNITED STATES,
London, May 7, 1860.

MY LORD: Agreeably to instructions, I have the honor to present to her Majesty's government the four folio volumes which accompany this note, to wit: American State Papers, (Gales & Seaton,) vols. 4 and 5, Finance, and vols. 5 and 6, Foreign Relations.

Seizing the opportunity to repeat the assurance of my highest consideration, I have the honor to be your lordship's most obedient, humble servant,

G. M. DALLAS.

Right Hon. Lord JOHN RUSSELL, *&c., &c., &c.*

FOREIGN OFFICE, *May* 14, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, transmitting four volumes of American State Papers for the acceptance of her Majesty's government, and I have to request

that you will convey to your government the thanks of that of her Majesty for the continuation of this valuable collection of interesting papers.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. RUSSELL.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

FOREIGN OFFICE, *May* 18, 1860.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, with its enclosures, relating to the proceedings of Commander Fitzroy, of her Majesty's ship "Falcon," in detaining and searching the American brigantine "Jehossee."

I beg leave, in reply, to acquaint you that the lords commissioners of the admiralty have communicated to me copies of the reports which they have received from Commander Fitzroy, who detained the "Jehossee," and from Commander Bowden, of her Majesty's ship "Medusa," the officer by whose directions the "Jehossee" was released.

The following is a copy of Commander Fitzroy's report to the secretary to the admiralty, dated the 24th of January last, of the circumstances under which he detained the "Jehossee:"

"I have the honor to report the following proceedings connected with the United States brig 'Jehossee:'

"On the morning of the 12th instant, when at anchor off Quitta, I received information from the commander of that fort that a vessel, under American colors, had made an attempt on the previous evening to ship slaves, when in British waters, off Adaffi, but, owing to the surf, could not succeed.

"I immediately proceeded in search, and found the United States brig 'Jehossee' at anchor in latitude 6° 4′ north, longitude 1° 9′ east; Elmina Chica west five miles; village of Adaffi northeast one-quarter east, half a mile.

"I caused her to be searched; and on receiving the boarding officer's report, determined to detain the vessel and communicate with an American cruiser; and for this purpose I placed an officer and crew in charge, and proceeded, with the 'Jehossee' in company, to Whydah, where I released the 'Jehossee,' in pursuance of an order from Commander Bowden, senior officer in the Bights division."

The subjoined is also a copy of the report of the officer sent by Commander Fitzroy to board the "Jehossee," dated January 12, 1860:

"In compliance with your orders of this date, I boarded the brigantine 'Jehossee,' under American colors, at anchor off Adaffi, accompanied by Mr. Cheney, clerk, as a witness.

"I examined the register of the vessel and the crew-list produced by the master, Mr. D. B. Vincent, who stated that he would not allow any other documents to be seen; neither would he inform me what cargo he expected.

"I then told him that he was in British waters, and in consequence my orders were to search the vessel, which I did, under a protest from him that he was an American, and would not admit of the right of search.

"On lifting the hatches I found a slave-deck laid at least two-thirds of the entire length of the vessel; irons; a large quantity of water and casks underneath; rice and other provisions, evidently intended for slaves.

"I then detained the vessel and reported my proceedings to you through Mr. Cheyney, remaining on board until I was relieved by the guard that took charge of the 'Jehossee,' the master of said vessel accompanying me on board the 'Falcon.'

"H. B. HUNT, *Master.*"

Upon Commander Fitzroy's arrival at the rendezvous at Whydah he fell in with her Majesty's ship "Medusa," Commander Bowden, his senior officer, by whom he was called upon to report the circumstances under which he detained the "Jehossee;" and upon learning the position of that vessel at the time of her detention Commander Bowden immediately ordered her release.

The following is a copy of Commander Fitzroy's report to Commander Bowden:

"HER MAJESTY'S SHIP 'FALCON,'
"*Whydah, January* 15, 1860.

"In compliance with your order of this date, I have the honor to inform you that the 'Jehossee' was boarded when at anchor in the following position: Elmina Chica west five miles; village of Adaffi at three-quarters east, half a mile; latitude 6° 4′ north, longitude 1° 9′ east. And I was informed by the commander of Quitta that British waters extended beyond Flohow.

"A. FITZROY, *Commander.*"

It will be seen from the foregoing that Commander Fitzory detained the "Jehossee" in the belief that she was at the time in British waters, and it was not until after he had communicated with Commander Bowden that he was undeceived in this respect.

Her Majesty's government frankly admit that, in the case of the seizure and detention of the "Jehossee" by Commander Fitzroy, an illegal interference has taken place on the part of a British officer with an American vessel, for which an apology is due on the part of her Majesty's government; but the interference was solely the result of an error as to the extent of the territorial jurisdiction of Great Britain on that part of the coast of Africa, and did not arise from any pretension to seize an American vessel on the high seas. The proceedings of the officer who fell into this error were at once disapproved, and the detained vessel was released at the earliest moment by his superior officer.

If the commander of the "Falcon" had not been led into this mistake by the governor of Quitta informing him that British jurisdiction extended beyond Flohow, he would no doubt have made no attempt to

detain the "Jehossee," inasmuch as the orders under which her Majesty's cruisers are acting are most stringent as to their abstaining from interference with American vessels on the high seas.

In conclusion I have only to express my regret at the occurrence which has given rise to the present correspondence.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

J. RUSSELL.

Memorandum.

MAY 26, 1860.

The brig "Delicia" was brought into Charleston, South Carolina, on the 2d February, 1860, in charge of Lieutenant McArran, of the United States ship "Constellation," by which ship she was captured on the 20th of December, 1859, off Cabenda, on the coast of Africa. She had at that time a crew of fifteen men, including officers, all of whom were Spaniards, but she had no flag nor papers on board to indicate her nationality. She was, however, to all appearance, Spanish, and was undoubtedly fully equipped for the slave trade, her slave deck being laid. At the time of her capture the master was not on board, but upon her being boarded by Captain Nicholson, of the "Constellation," the mate handed to that officer a letter in Spanish, purporting to be an instruction from the captain to the mate directing him to cruise off the coast for eight days, *carefully avoiding all men-of-war*, and at the expiration of that time to stand in for "Little Black Point," where "the expedition would be ready."

Captain Nicholson took possession of the brig and sent her to the United States in charge of Lieutenant McArran. The crew were transferred to the "Constellation;" the first and second mates only (both Spaniards) being left on board the "Delicia." Upon the arrival of the "Delicia" at Charleston she was libelled by the district attorney, first as an American vessel, and second as a vessel without any known nationality, in order to admit of her being put in charge of the United States marshal.

The two mates were examined before a commissioner of the United States, who discharged them by the advice of the district attorney, on the ground that there was no law of the United States under which they could be indicted; the legislation of the United States relative to the slave trade providing only for slave trading in American vessels, or by citizens of the United States in a foreign vessel, and not meeting the case of *foreigners* on board a *foreign* vessel.

This view of the case was subsequently confirmed by the Solicitor of the Treasury, to whom the district attorney applied for instructions, and who held that there was no law under which the mates could be indicted.

As soon as the brig was libelled the Spanish consul at Charleston claimed her as a Spanish vessel, but as he has hitherto produced no

proof that she really is so, she has not been given up to him, but remains in charge of the marshal.

It is supposed, however, that she would be at once given up were proof furnished of her Spanish nationality.

It is believed that the owners reside in Cuba, but that they do not declare themselves, lest they should by so doing render themselves amenable to a prosecution in that island for slave trading.

Mr. Cass to Mr. Toucey.

DEPARTMENT OF STATE,
Washington, May 30, 1860.

SIR: Referring to my communication of the 8th instant, transmitting a despatch received from the United States consul general at Havana, respecting the ship "Erie," I have now the honor to enclose, herewith, for your perusal, a despatch, No. 26, received from Mr. Helm, with the papers accompanying it, detailing at length the circumstances connected with the clearance of that vessel for the coast of Africa; and also the sale of the "White Cloud," of New York.

I beg leave to invite your intention to the suggestion of the consul general, in regard to the expediency of having one of our naval steamers stationed at the port of Havana, in readiness to pursue and capture such American vessels as are fitted out from that port for the purpose of engaging in the slave trade. I will thank you to return the papers after having made such use of them as you may deem expedient.

I have the honor to be, sir, your obedient servant,

LEWIS CASS.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

Mr. Helm to Mr. Cass.

No. 32.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, May 30, 1860.

SIR: I have the honor to enclose herewith the copy of a communication addressed to his excellency the captain general, on yesterday, touching the slave trade, which is in conformity to instructions contained in your despatch dated the 5th instant.

I am, sir, your obedient servant,

C. J. HELM.

Mr. Helm to the Captain General.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, May 29, 1860.

SIR: I am instructed by the honorable the Secretary of State of the United States to say to your excellency that as the government of the United States has no power to enact or enforce laws to prevent her vessels from being fitted out or equipped in the ports of Cuba for the African slave trade, and as it is believed the Spanish government has better and greater sources of information as to their objects and destination or connexion with the slave trade than the consul general of the United States resident at Havana possibly can have; and that the government of her Catholic Majesty is equally interested in suppressing this inhuman traffic as the United States, and that she will not, through her officials, clear a vessel from Cuba believed to be intended for, or engaged in a traffic which she is bound by her own laws and by treaty stipulation to suppress; that in future the clearance from the custom-house here will be taken and regarded as evidence of the legality of the voyage; and that vessels will be despatched from this consulate general and the several American consulates in this island upon the presentation of such clearance.

I am, sir, your obedient servant,

C. J. HELM.

Mr. Toucey to Mr. Cass.

NAVY DEPARTMENT, *June* 7, 1860.

SIR: I have the honor to return herewith the despatch of the United States consul at Havana, transmitted to me with your letter of the 30th ultimo, and to thank you for the opportunity afforded of perusing it. The attention of the flag-officer of the African squadron has already been called, in a communication from this department, of the 23d ultimo, to the case of the bark "White Cloud."

I am, very respectfully, &c.,

I. TOUCEY.

Hon. LEWIS CASS,
Secretary of State.

Mr. Dallas to Mr. Cass.

[Extract.]

No. 268.] LEGATION OF THE UNITED STATES,
London, June 14, 1860.

SIR: * * * * * * * *

I subjoin copies of two notes interchanged between Lord John Russell and myself, respecting the desire of Mr. Woodbury to have one

or two witnesses sent from here in maintainance of the prosecution at Boston. The official communication promised in the last paragraph of his lordship's letter has not yet been received.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

LEGATION OF THE UNITED STATES,
London, June 5, 1860.

MY LORD: I have the honor to state to your lordship that her Majesty's ship Pluto, under command of Lieutenant Cortland Herbert Simpson, in the month of January last, captured and carried into St. Helena, without papers, the American bark "Orion," having at the time on board six or seven hundred slaves. The surrender of the master and two mates of the bark, named, respectively, Morgan, Chamberlin, and Dunning, to the authorities of the United States, with a view to their being prosecuted criminally, took place on requisition, and they have been transferred to Boston, Massachusetts, for trial.

The legal officer who is charged with the duty of proceeding against these criminals has addressed General Cass upon the subject, under date of the 10th of May last, representing that he is without evidence, oral or written, upon which a conviction can be claimed, and suggesting the necessity of obtaining, if possible, one or two witnesses cognisant of the capture, and able to recognize the accused as having been on board the "Orion." In the belief that the ship Pluto has been ordered home, and is probably now at Plymouth, it is hoped that her Majesty's government may allow one or more of her crew to be sent to Boston for that purpose.

Your lordship will excuse my annexing, for the sake of exactness, a copy of Mr. Woodbury's letter to General Cass.

I am therefore instructed to apprise your lordship of the circumstances already detailed, to beg to be informed whether the desired witness can be had, and to express a readiness on the part of my government to make such advance to him as may be required for his voyage.

Renewing the assurance of my highest consideration, I have the honor to be your lordship's most obedient, humble servant,

G. M. DALLAS.

The Right Hon. Lord JOHN RUSSELL, *&c., &c., &c.*

FOREIGN OFFICE, *June* 8, 1860.

Lord John Russell presents his compliments to Mr. Dallas, and, with reference to his note of the 5th instant, begs leave to acquaint him that he has requested the lords commissioners of the admiralty

to issue the necessary instructions in order that one or more of the officers or crew of her Majesty's ship "Pluto," who were on board that vessel at the time of the capture of the slave bark "Orion," may be sent to Boston, in order to give evidence in the approaching trial of the master and mates of that vessel.

Lord John Russell begs leave to add that an official communication on this subject will be made to Mr. Dallas as soon as a reply shall have been received from the admiralty.

Mr. Dallas to Mr. Cass.

[Extract.]

No. 270.] LEGATION OF THE UNITED STATES,
London, June 18, 1860.

SIR: * * * * * * * *

At a late hour of the 15th instant, after the bag of the legation had been forwarded to Liverpool, I received from her Majesty's principal secretary of state for foreign affairs the note of which a copy is annexed, being a prompt and satisfactory compliance with the wish of the district attorney of the United States for the district of Massachusetts that witnesses competent to testify to the facts as regards the slaver "Orion" should be sent from this country to Boston.

As Mr. Woodbury may desire, in the interest of the pending criminal prosecution, to possess the earliest possible information of this arrangement, I transmit it to you by the first steamship quitting for the United States.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS, *Secretary of State.*

FOREIGN OFFICE, *June* 15, 1860.

SIR: I have the honor to acquaint you that, in compliance with the request contained in your letter of the 5th instant, the lords commissioners of the admiralty have selected two officers of her Majesty's ship "Pluto" to proceed to Boston to give evidence in the case of the slave bark "Orion," which was captured by her Majesty's ship and sent to St. Helena for adjudication in the month of January.

The officers in question are Mr. J. Hay, assistant paymaster, and Mr. Lamb, gunner, of the "Pluto." The former of these officers was with the commander of the "Pluto" when he boarded the "Orion," and the latter was sent in charge of and navigated that bark to St. Helena.

I beg leave further to inform you that both these officers will be directed to proceed forthwith to Boston, and to report themselves to

her Majesty's consul at that port, who will also be directed to defray their expenses.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. RUSSELL.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

No. 8.

Mr. Waring to Mr. Cass.

CONSULATE OF THE UNITED STATES,
St. Thomas, June 29, 1860.

SIR: The American steamer "City of Norfolk," from New York, arrived here on the 16th instant with a general cargo, a part of which she discharged. She then took in a very large supply of coal and a peculiar kind of provisions, and, as I am now confirmed, erased her name and painted some other in its stead. I have since learned, from what may be regarded as high authority, that she was fitted out, partly here and partly in New York, as a slaver, and that she went from here to Pernambuco to change her crew and flag; from thence she will proceed to the Congo river to take a cargo of slaves, which she will endeavor to land in Cuba.

I had no suspicions while the "City of Norfolk" lay in this port. All the information I now have came to my knowledge after she had cleared from this consulate.

I have the honor to be, sir, your obedient servant,

R. P. WARING.

Mr. Morse to Mr. Cass.

CONSULATE OF THE UNITED STATES OF AMERICA,
City of Praia, St. Iago, Cape de Verds, July 1, 1860.

SIR: Since my last advices to the department nothing of any unusual interest has transpired at these islands, except the removal of the United States naval depot from this port to St. Paul de Loando, and the taking of the American brig "Falmouth," of New York, by the United States ship "Portsmouth," off this place, on the 5th of May. Both vessels had sailed out of the port only an hour previous to the seizure.

The commander of the "Portsmouth" alleged as the cause of seizure that the "Falmouth" was equipped for the slave trade.

She was sent to New York for trial.

American trade still continues dull.

I am, sir, very respectfully, your obedient servant,

WM. H. MORSE, *Consul.*

Hon. LEWIS CASS,
Secretary of State, Washington, D. C.

Mr. Martin to Mr. Cass.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matanzas, July 1, 1860.

SIR: I have received information from the agency of this consulate at Cardenas of the taking of the American bark "G. W. Lewis," with three hundred Africans on board, by one of the Spanish cruisers, on the morning of the 27th ultimo.

I endeavored to obtain the particulars of this vessel, but as yet have not succeeded, save that the crew were American, and that they made their escape after the vessel was brought into the harbor of Cardenas.

I am further informed, in reply to an official letter from this consulate, that all the papers, together with facts relative to this vessel, have been forwarded by the alcalde of Cardenas to the superior court at Havana.

Any additional information that I may receive will be promptly communicated.

In the meantime I am, with profound respect, your very obedient servant,

HUGH MARTIN,
United States Consul.

Hon. LEWIS CASS,
Secretary of State, Washington.

Mr. Trescot to Mr. Woodbury.

DEPARTMENT OF STATE,
Washington, July 2, 1860.

SIR: Referring to the correspondence which has passed between us upon the subject, I have now to inform you that intelligence has just come from Mr. Dallas that the British government have determined to send the witnesses in the case of the "Orion," and accordingly Mr. J. Hay, assistant paymaster, and Mr. Lamb, gunner, of the "Pluto," will be directed to proceed forthwith to Boston, and to report themselves to her Majesty's consul at that port.

I am, sir, your obedient servant,

WM. HENRY TRESCOT,
Acting Secretary.

CHARLES LEVI WOODBURY, Esq.,
Attorney of the United States for the District of Massachusetts, Boston.

Lord John Russell to Lord Lyons.

FOREIGN OFFICE, *July* 11, 1860.

MY LORD: I transmit to your lordship herewith copies of a correspondence relating to the emigration of Chinese coolies, which has been presented to both houses of Parliament, by command of her Majesty, and I have to desire that you will call the attention of the United States government to these papers, as bearing upon the important question of the suppression of the slave trade, and the supply of labor to those parts of the world the climate of which is unsuited to white labor.

Great Britain has, for more than fifty years, made unremitting efforts to put down the slave trade, and her Majesty's government rejoice to think that those efforts have not been without their fruit.

The number of slaves imported from Africa has fallen from 135,000 (the average number exported annually from 1835 to 1840) to 25,000 or 30,000—the number estimated to have been exported during the last year. And in proportion, as the slave trade has diminished, lawful commerce with Africa has increased, until the value of the exports from the west coast of Africa now amounts to nearly three millions sterling annually. From the Bight of Benin alone, where, twenty years ago, not a single puncheon of palm oil was exported, during the last year the exportation of oil was estimated at nearly 17,000 tons, and the value at between £700,000 and £800,000; and this, it should be stated, owing to the disturbed state of the country, caused by slave hunts, is a diminution, as compared with the exports of the two previous years; and from Lagos, which, until the slave trade there was destroyed by the operations of the British squadron, was one of the greatest slave markets on the west coast of Africa, the exportation during last year, of palm oil, ivory, and cotton, amounted in value to about £220,000. In short, wherever the slave trade has been put down, honest trade has sprung up, and Christianity and civilization and peace have begun to produce their natural effects. On the other hand, where the king of Dahomey and other chiefs continue to gain an unrighteous profit by selling men, wars and misery and heathen darkness prevail. But it is a lamentable fact that, during the last two years, the slave trade has again increased; at the present moment it is actively carried on for supplying slaves to the Island of Cuba, and recent intelligence, which has reached her Majesty's government, proves that preparations are being made for prosecuting the trade on a most extensive scale by means of an association.

Under these circumstances her Majesty's government appeal to the nations of Christendom to endeavor, in obedience to the dictates of humanity and religion, to efface, by a final effort, the stain which the slave trade inflicts on the Christian name.

Brazil has set a noble example of perseverance in the suppression of the slave trade, once so vigorously carried on to her shores; and what the Brazilian government, in the face of great difficulties, has successfully accomplished, may be equally accomplished elsewhere.

The Island of Cuba is now almost the only place on the globe by which and for which the slave trade is maintained.

Her Majesty's government have a treaty with Spain, of the year 1835, by which the Spanish Crown undertook to abolish the slave trade, and accepted the sum of £400,000 to enable it the more easily to do so.

Her Majesty's government are well aware that the price of sugar and the demand for labor afford the slave trader profits which enable him to corrupt the authorities whose duty it is to thwart and defeat his criminal enterprises.

It must be painful to the Spanish government to find their good name stained, and their efforts to comply with the obligations of treaties, and to put down the wicked traffic, frustrated by worthless and unprincipled men who speculate in the lives and bodies of human beings.

It appears to her Majesty's government that some remedy for this state of things might be found in an improvement of the laws of the United States respecting the equipment of slave ships, and in the increased employment of cruisers in the waters surrounding Cuba, by Spain, Great Britain, and the United States, and in the enactment by Spain of a law enforcing the registration of slaves in Cuba, and inflicting severe penalties upon the proprietors of estates within which newly-imported slaves are found.

But no doubt the difficulties of suppressing the slave trade arise mainly from the demand which exists in Cuba, and similar countries, for laborers suited to a hot climate; and if this demand could be lawfully supplied, the incentives to engage in an illegal traffic in African laborers would be greatly diminished, and the price of a slave might be enhanced far beyond that of a free laborer.

This supply, her Majesty's government confidently believe, may be obtained from China. The state of society in that vast empire, where the population is superabundant, and at the same time civilized, where regular laws can be enforced, and the hiring of laborers for the purposes of emigration may be reduced to method, affords peculiar opportunities for organizing a system of emigration by which the wants of those countries which have heretofore looked to Africa for laborers may be fully supplied. Great abuses have unfortunately prevailed in the Chinese ports where the emigration of coolies has been carried on.

Men have been kidnapped by unscrupulous agents employed by European contractors to collect coolies, and the scenes of oppression and misery which have taken place in the barracoons, where the coolies have been assembled, and on board the ships in which they have been conveyed across the sea, have borne only too close a resemblance to the corresponding circumstances connected with the African slave trade.

If such abuses were suffered to continue unheeded, the exasperation created thereby amongst the Chinese population would seriously endanger the safety of the lives and property of the whole European community in China.

But happily it has been proved, by recent experience at Canton, that Chinese emigration may, under proper regulations and superin-

ence, be conducted in such a manner as to prevent the occurrence of
vils complained of. The Chinese authorities who had hitherto been
averse to the emigration, have, at Canton, recognized the advan-
s which may be derived from it under a proper system, and I have
rect your particular attention to the proclamation of the governor
ral, Taou, on this subject, which you will find at page 134 of the
rs herewith sent. Moreover, under the regulations which have
introduced by the agent in China of her Majesty's government,
njunction with the Chinese and the allied authorities at Canton,
s been found practicable to induce whole families of Chinese to
rate
considerable number of such families have emigrated to Demarara,
there is every reason to hope that, with time and care, the preju-
which have hitherto prevented Chinese women from emigrating
be entirely overcome.
is scarcely necessary to say anything as to the efficiency of the
ese coolies as laborers, as that is admitted by all who have had
rience of them ; indeed, the impossibility of inducing the Chinese
en to emigrate has been the only serious obstacle to Chinese colo-
tion on an extensive scale.
ese fair prospects, however, will be marred if the various Euro-
and American governments, interested in Chinese emigration, do
combine to enforce stringent regulations upon those who are en-
d in conducting it ; and her Majesty's government earnestly hope
the United States government will take the necessary measures
his purpose.
y judiciously promoting the emigration from China, and at the
time vigorously repressing the infamous traffic in African slaves,
Christian governments of Europe and America may confer bene-
pon a large portion of the human race, the effects of which it
ld be difficult to exaggerate.
er Majesty's government therefore propose, with a view to the final
action of the slave trade—
t. A systematic plan of cruising on the coast of Cuba by the ves-
of Great Britain, Spain, and the United States.
l. Laws of registration and inspection in the Island of Cuba, by
h the employment of slaves, imported contrary to law, might be
ted by the Spanish authorities.
l. A plan of emigration from China, regulated by the agents of
pean nations, in conjunction with the Chinese authorities.
stly. I have to call your attention to the following passage in
nessage of the President of the United States, of May:
It is truly lamentable that Great Britain and the United States
ld be obliged to expend such a vast amount of blood and treasure
he suppression of the African slave trade, and this when the only
ions of the civilized world where it is tolerated and encouraged
the Spanish islands of Cuba and Puerto Rico."
have to instruct you to communicate to General Cass copies of this
atch and of the papers by which it is accompanied.

I am, &c.,

J. RUSSELL.

rd LYONS, *&c., &c., &c.*

Mr. Trescot to Mr. Woodbury.

DEPARTMENT OF STATE,
Washington, July 16, 1860.

SIR: I have to acknowledge the receipt of your letter of the 14th instant, inquiring as to the arrangement made by Mr. Dallas for the compensation of Mr. Hay and Mr. Lamb, of her Britannic Majesty's naval service, as witnesses in the case of the bark "Orion."

In reply, a copy of the correspondence between Mr. Cass and Mr. Dallas on the subject is herewith transmitted. This contains all the information in regard to the payment of the expenses referred to in the possession of the department.

I am, sir, very respectfully, your obedient servant,

WM. HENRY TRESCOT,
Assistant Secretary.

CHARLES LEVI WOODBURY, Esq.,
Attorney of the U. S. for the Dist. of Mass., Boston.

[The enclosures above mentioned are Mr. Cass to Mr. Dallas, May 17, 1860, and Mr. Dallas to Mr. Cass, June 14, 1860, to be found in their chronological order in this correspondence.]

Mr. Dallas to Mr. Cass.

No. 279.] LEGATION OF THE UNITED STATES,
London, July 27, 1860.

SIR: Your No. 244, replying to certain views contained in a note from Lord John Russell, respecting the seizure and burning of the "Rufus Soulé," was, as I stated under date of the 11th of May last, read to his lordship, and a copy left with him, at an interview on the preceding 30th of April.

I have just received the letter of which a copy is annexed. It would seem to be written in an improved state of feeling, and its closing paragraphs respecting the continued violations of treaty engagements by the government of Spain, in relation to her abolition of the slave trade, will, perhaps, attract your particular attention.

I have, the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

FOREIGN OFFICE, *July* 23, 1860.

SIR: Her Majesty's government have had under their consideration the despatch addressed to you by General Cass on the 31st of March last, a copy of which you communicated to me on the 30th of April,

as containing the views of the President of the United States on the circumstances connected with the capture and destruction of the brigantine "Rufus Soulé," by her Majesty's ship "Viper," off the African coast in the month of October, 1858.

I beg leave to assure you that her Majesty's government would sincerely regret if any remarks or suggestions contained in the note relating to this case, which I had the honor to address to you on the 12th of December last, should have given just cause of offence to the cabinet of Washington, because nothing was further from the intention of her Majesty's government.

Having made this disclaimer, I would only observe that the reports which have reached her Majesty's government, subsequently to the capture and destruction of the "Rufus Soulé," strongly confirm the information which reached them in the first instance, with regard to the vessel, and which was to the effect that previously to the voyage on which she was engaged when captured, the "Rufus Soulé" had been sold to a Spanish slave trader and was not entitled to American protection; and this information, it would appear from General Cass's despatch to you, is confirmed by the report of the United States consul general at the Havana.

It would answer no practical purpose, therefore, to continue a controversial correspondence with regard to this case; and the more so because her Majesty's government are ready to do full justice to the sincere desire of the United States government, to employ efficiently all the means at its disposal to put a stop to that prostitution of the United States flag by slave traders, which has of late been so notorious and extensive, and which is calculated to transfer unjustly to citizens of the United States the discredit which more properly attaches to persons belonging to other States.

Her Majesty's government feel the justice of the remark which was lately made by the President, to the effect that it is hard that Great Britain and the United States should be put to great expense, and incur considerable hazards solely on account of the continued violation of treaty engagements by the government of Spain.

Her Majesty's government will be ready at any time to consider this matter, either at Washington or in London, with General Cass or Mr. Dallas.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

J. RUSSELL.

Mr. Trescot to Mr. Dallas.

No. 271.] DEPARTMENT OF STATE,
Washington, August 6, 1860.

SIR: By a resolution of the House of Representatives of the 23d of June last, the President is requested to furnish to Congress, at the beginning of its next session, all the information that can be obtained

through our consular and diplomatic agents abroad as to the disposition made by the British government of the Africans captured from slavers by the British navy, and also as to the disposition made by that government of the officers and crews of those slavers. You are accordingly requested to endeavor to obtain for and transmit to the department reliable information on the subject.

I am, sir, respectfully, your obedient servant,

WM. H. TRESCOT,
Acting Secretary.

GEORGE M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Mr. Trescot to Mr. Irvine.

DEPARTMENT OF STATE,
Washington, August 10, 1860.

SIR: I have the honor to inform you that the despatch from Lord John Russell, dated the 11th July, 1860, which you read to me, and a copy of which you left at this department, has been submitted to the President, with its accompaniment of printed documents relative to the coolie trade.

He has given the most careful consideration to the three propositions which you have been instructed to make. It is unnecessary to express, in reply, the perfect agreement between this government and that of her Britannic Majesty in their estimate of the character of the African slave trade. The action of the government of the United States upon this subject has been so long continued, so consistent, and is so familiar to the civilized world, that I can properly refer to it as the clearest and strongest manifestation of its opinion. And I am instructed to say that the President learns, with great pleasure, from Lord John Russell's communication, that her Britannic Majesty's government can at length see with satisfaction the happy results of its efforts and sacrifices in the cause of humanity, and that the steady diminution of this illegal traffic is accompanied by a corresponding development of honorable and lucrative commerce on the coasts of Africa, which promises, in the course of years, to extinguish the slave trade in the most effectual manner. He regrets, however, that this agreeable prospect has been overclouded by the fact, also communicated, that this trade has again increased within the two last years, and "that preparations are being made" in the Island of Cuba "for prosecuting the trade on a most extensive scale by means of an association." This intelligence is believed to be well-founded. The President has long entertained the opinion that the African slave trade will never be suppressed whilst efforts for that purpose are confined to the pursuit and capture of slavers between the coast of Africa and the Island of Cuba. To effect anything positive or permanent the baracoons on the African coast must be broken up, and the slavers prevented from landing their cargoes in Cuba, or, if landed, the slaves must be followed into the interior and set free from the purchasers. Whenever her Britannic Majesty's government shall

think proper, in its discretion, to enforce the provisions of the treaty with Spain, referred to by Lord John Russell, "by which the Spanish Crown undertook to abolish the slave trade, and accepted a sum of £400,000 to enable it the more easily to do so," then, and not until then, in the President's opinion, will the African slave trade with the Island of Cuba be abolished. But with this the government of the United States has no right to interfere.

While, however, holding these general views, the President cannot give his assent to the propositions which have been submitted to him, for the following reasons, which I proceed to state in the order in which the propositions have been made:

"1. A systematic plan of cruising on the coast of Cuba by the vessels of Great Britain, Spain, and the United States."

To accede to this proposition would involve the necessity of a treaty with Spain to enable the cruisers of the United States to enter the waters of Cuba within a marine league from shore. The Spanish government, so far from having given any intimation that a violation of its sovereignty to this extent would be acceptable, has only recently made the strongest complaints to this government against the cruisers of the United States, upon the alleged ground that they had captured slavers within the Cuban waters. While, therefore, Great Britain has already acquired this right by treaty, the United States do not possess it, and their cruisers would consequently be arrested in the pursuit of slavers as soon as they entered Spanish jurisdiction, whilst the cruisers of Great Britain and Spain could not only continue the pursuit until the slavers had landed, but could follow the slaves into the interior of the island. It is but proper, however, to say, that while the President does not suppose that the government of Spain would enter into an arrangement with the United States similar to its treaty with Great Britain, he could not consent to any such arrangement, for it would violate the well-established policy of this country, not to interfere in the domestic concerns of foreign nations, nor to enter into alliances with foreign governments. This government has maintained, and will continue to maintain, a naval force in the neighborhood of Cuba for the execution of its own laws. It will, to the utmost extent of its power, put down this abominable traffic, and capture all American vessels, and punish all American citizens engaged in it. The success which has already attended our efforts near the coasts of Cuba prove that we have done our duty in this respect, and this at an enormous expense for the support of the captured Africans, for their transportation back to Africa, and for their liberal maintenance there during the period of a year after their return.

"2. Laws of registration and inspection in the Island of Cuba, by which the employment of slaves imported contrary to law might be detected by Spanish authorities."

After what has just been said, it is unnecessary to state that the government of the United States could not ask Spain to pass such laws of registration. But, if this were otherwise, it is quite certain that such laws would have no practical effect. For if "her Majesty's government are well aware that the price of sugar and the demand for labor afford the slave trader profits which enable him corrupt the

authorities whose duty it is to thwart and defeat his criminal enterprises," and if joint stock companies are established at the Havana for the purpose of prosecuting the African slave trade, under the eye of the highest officials of the island, and with perfect impunity, it would be vain to expect that registrars throughout the country would counteract the policy of their superiors by faithfully performing their duty.

"3. A plan of emigration from China, regulated by the agents of European nations, in conjunction with the Chinese authorities."

It is not probable that Lord John Russell expected this government to unite in forming such "a plan of emigration from China." For if he had entertained this idea he would scarcely have omitted "the agents" of the United States from any participation in its regulation. Nor can the President share in the anticipation of her Britannic Majesty's government that the coolie trade can be put on any such footing as will relieve it of those features of fraud and violence which render the details of its prosecution scarcely less horrible than those of the middle passage. And he is of opinion that it would exert a most deleterious influence upon every portion of this country to import into it Chinese coolies as laborers. In the States where the institution of domestic slavery exists these heathen coolies would demoralize the peaceful, contented, and orderly slaves, very many of whom are sincere Christians. And in the free States they would be brought into competition with our own respectable and industrious laborers, whether of native or foreign birth, who constitute so large a portion of our best citizens.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WM. HENRY TRESCOT,
Acting Secretary.

W. DOUGLAS IRVINE, Esq., *&c., &c., &c.*

Mr. Trescot to Mr. Huckins.

DEPARTMENT OF STATE,
Washington, August 10, 1860.

SIR: By a resolution of the House of Representatives of the 23d of June last, the President is requested to furnish to Congress, at the beginning of its next session, all the information that can be obtained through our consular and diplomatic agents abroad as to the disposition made by the British government of the Africans captured from slavers by the British navy, and also as to the disposition made by that government of the officers and crews of those slavers. You are accordingly requested to endeavor to obtain for, and to transmit to this department, reliable information on the subject.

I am, sir, your obedient servant,

WM. HENRY TRESCOT,
Acting Secretary.

D. M. HUCKINS, Esq.,
United States Consul, Cape Town.

Same sent to George W. Kimball, esq., United States consul, St. Helena.

Same sent to Isaac Winston,* esq., United States consul, Kingston, Jamaica.

Same sent to James I. Smith, esq., United States consul, Barbadoes.

Same sent to Thomas E. Jenkins, esq., United States consul, Demerara.

Same sent to John G. Willis, esq., United States commercial agent, St. Paul de Loando.

Same sent to John Seys, esq., United States commercial agent, Monrovia.

Mr. De Ronceray to Mr. Cass.

No. 33.] CONSULATE OF THE UNITED STATES,
San Juan, Puerto Rico, August 22, 1860.

SIR: I wish to draw the attention of the department to a paragraph, *marked*, in the accompanying letter to the New York Herald, from its correspondent at Key West.

It is not true, as stated in this paragraph, that slaves are landed in this island monthly, and then transported to Cuba in regular Spanish packets. The sentiments of the natives, including the planters, are opposed to the importation of slaves from Africa, and very little encouragement is therefore given to the slave trade, either by the people or government of the island, notwithstanding the want of labor.

In the year 1859 from nine to fifteen hundred slaves were estimated to have been landed from Africa, and in 1858 something less than this number were imported, but the vessel getting on shore, the authorities interfered, and succeeded in capturing the vessel and most of the slaves. This, I believe, has been the extent to which the slave trade has been encouraged in Puerto Rico for the past two or three years, forced upon the planters in consequence of the free labor of the island refusing to work, and the want of encouragement to any but white immigration on the part of the government. As to the practice of sending slaves, in Spanish packets, to Cuba, it is of rare occurrence, and only done by speculators, those few, if any, in number, not engaged in agriculture, who ship their interest in the slave cargo to a better market.

It is understood that the late captain general, Fernando Cotoner, did not patronize the slave trade; and without some such indorsement, "parties" are not disposed to embark their capital in this business, or enter very extensively into the traffic, which is shown from the limited number of slaves landed in the island during the past two or

*See reply of the Vice-Consul Curtin, at Kingston, dated October 27, 1860. Other replies not received at date, December 1, 1860.

three years, and also from the small increase in the number of slaves on the island, which do not now exceed, it is believed, thirty-five thousand. This certainly speaks well for the feeling of the planters and people, when we take into consideration that there is no positive difficulty or obstacle to their landing as many cargoes as they please, the entire island being left unguarded, or even visited, by an American or English man-of-war for years together, with but one small Spanish war steamer on hand in the service of the superior authorities.

The government of the United States, no doubt being well informed as to the state and condition of the slave trade here, it cannot be, as this correspondent asserts, singular that it should overlook Puerto Rico, but, on the contrary, it would appear not only singular, but strange, should any part of the naval force now employed around Cuba, the great slave mart, be withdrawn and detailed to watch Puerto Rico under present circumstances.

It would be very gratifying to a large number of the natives to see the American or English flags displayed in these waters, which, of late, has become a rare sight, and would, no doubt, have a tendency, as it has been suggested by some, to open the eyes of the ignorant as to the existence of an American navy, and check, if it did not suppress, the misrepresentation and abuse hurled at everything American, moral and political, by the press of the island, to the prejudice of our institutions and character; but beyond these reasons, and they are really worthy of consideration, and much might be said on this subject as to the utility of a more frequent display of our flag in these waters, I would not recommend that our men-of-war should be sent to Puerto Rico for the suppression of the slave trade.

Should anything transpire under the administration just inaugurated tending to augment this trade or call for the presence of our vessels of war, due notice will be given to the department.

I have the honor to be, sir, your obedient servant,

C. DE RONCERAY,
United States Consul.

Enclosure accompanying Consul De Ronceray's despatch.

KEY WEST, *July* 8, 1860.

The slave barks Wildfire and Bogota have been sold; the former for $5,800, the latter for $4,100; low figures for two so fine vessels. Slave bark William, $1,504.

The Bogota, it is clearly ascertained, was the property of New York parties, and the captain of her is suspected of being a citizen of New Orleans.

The "slave trade" merchants resort to the most adroit management to deceive our cruisers; and the commanders of the cruisers are often placed in delicate positions, having to assume personal responsibilities, that they may not be censured for apathy or negligence in the performance of this annoying sea police. It is the most difficult and

harassing duty a naval officer can be assigned to, requiring the highest order of seamanship, intelligence, and uncompromising zeal.

The Water Witch and Wyandotte, on the south side, have a line of coast to guard of some 560 miles, and more slaves are landed on that side than on the north; so if the government are determined to give a "black eye" to the business, two more steamers should be added to that section of the station.

On the north coast the Mohawk and Crusader have 420 miles of coast line to protect, with innumerable harbors and keys to facilitate the landing of slaves and the system of notification to the approaching slaver that cruisers are about is perfect.

The constant rush of these two steamers, night and day, has rather puzzled the "telegraphic gentlemen," so the Wildfire and Bogota could not obtain reliable information as to where the infernal Yankee cruisers were steaming.

The Crusader overhauled 147 vessels in the old Bahama channel in ten days and nights. A very active business this.

It is singular the government overlooked Porto Rico. Slaves are landed there monthly, and then transported to Cuba in regular Spanish packets.

The trade cannot be checked while such great percentages are made in the business. The outlay of $35,000 often brings $500,000. Unless the government of Spain is forced into measures, the business is winked at by all the officials, and nearly all the governors of districts make large fortunes by the bonus given to them for permits to land cargoes of Africans.

An English gunboat is cruising for slaves off the north coast of Cuba.

At the Congo river the price of slaves has increased to four doubloons. At Hydah the price (for better negroes) is $34 for prime, $17 for women, and $10 for boys. Just think, $1,000 and $1,200 for a negro, costing, passage, &c., less than $106. No wonder Boston, New York, and Philadelphia have so much interest in the business.

In consequence of the order of the government for the cruising of four steamers on the coast of Cuba, American agents on the coast of Africa prefer obtaining foreign vessels and foreign crews—not the less American though in ownership.

The report of an English steamer landing slaves is false. The one alluded to by several Havana correspondents is still in Havana, not having been out of the harbor for six months. Rumors about landing cargoes are always plenty.

Great vigilance is exercised by Captain Brannan, United States army, for the protection of the negro barracoons, as a party of desperadoes are prowling about with a view of running all the African men; and it is now well authenticated that a steamer is chartered in Havana to follow the three chartered ships, and take forcibly the negroes from them. In this they will be unpleasantly disappointed, as the Mohawk or Crusader will convoy the ships out of harm's way, and sad will be the attempt on the part of any Spanish vessel to obtain possession.

The ship Castilian sailed yesterday for Liberia with the negroes of the Wildfire. They protested against going to Africa.

The humane but mistaken accommodations for their comfort, in the way of basins, towels, mattresses, and sheets, were quite absurd; the sheets were turned into robes, and the mattresses viewed with contempt, as hot and uncomfortable.

Knives and forks they looked at with wonder and amazement. They lamented, in piteous terms, their return to Africa, and begged to be sold in the United States. Liberia is to them a repugnant place Several of them had been there, and did not speak in flattering term of the Colonization Society.

The Crusader is, as usual, tinkering her broken engine, and will sail when the patchwork is complete. Mohawk and Water Witch just in for coal and provisions.

The two chartered ships for the Africans not in yet.

Mr. Savage to Mr. Cass.

No. 43.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, August 23, 1860.

SIR: The bark "Clara Windsor," of New York, owned and commanded by Wm. J. Powers, was cleared yesterday by the authorities of the customs in this port for Macao, in China, and the master applied to me for his papers, which I delivered to him, although suspecting her real destination to be the coast of Africa for slaves.

I examined the custom-house clearance and the charter-party, which had all the appearance of legal documents. However, I required of the captain his affidavit that the vessel should not be used on the voyage for any unlawful trade. I have the honor to accompany herewith a copy of the affidavit, and a transcript of the entry of the "Clara Windsor" in the ship's dailey journal in this office.

With profound respect, sir, your obedient servant,

THOS. SAVAGE,
United States Vice-Consul General.

Hon. LEWIS CASS,
Secretary of State of the United States, Washington.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA, HAVANA, CUBA.

I, William J. Powers, the present master of the bark "Clara Windsor," of New York, now lying in the port of Havana, and legally cleared for Macao, in China, do solemnly swear that the said ship is chartered for a legal voyage to Macao and other ports in China for no less time than six months, nor more than twelve months; that the cargo on board is legal, and such as is described in the manifests; that no

cargo or article of any description has been taken on board of said ship, except by special permits granted by the collector of customs for this port, the contents of each article or package being described in his permit before being taken on board; and I further swear that I will not, during the voyage, engage in any unlawful trade, or permit the said vessel to be engaged in any trade which is prohibited by or contrary to the laws of the United States; I further swear that the said ship has not been sold in this port to my knowledge.

WM. JAMES POWERS.

Subscribed and sworn to, at Havana, this 22d day of August, 1860, before me.

[L. S.] THOS. SAVAGE,
United States Vice-Consul General.

Transcript from ship's daily journal, 1860.

No. 704.—Bark "Clara Windsor," of New York, 206$\frac{15}{95}$ tons, William J. Powers master.

July 23.—Arrived 22d day of July, 1860, from New York. When built, 1851. Where built, Baltimore. Owners—William J. Powers, sole owner. Cargo inward, general. Cargo outward.

1 permit.—P. Mayoral & Co: 100 loads of wood; 50 gallons of mineral coal; 50 empty casks for water.

1 permit.—P. Mayoral & Co: 3,500 feet pine lumber, and 2 boxes containing a stove and accessories.

1 permit.—P. Mayoral & Co.: *Stores*—6 sacks Spanish peas; 2 boxes preserves; 2 bags coffee; 8 cases vermicelli; 4 barrels sugar; 5 quarter pipes red wine; 6 demijohns red wine; 1 box sherry wine; 3 jars of gin; 2 jars of anise-seed; 1 box spices; 16 jugs oil; 12 seroons of jerked beef; 8 boxes codfish; 1 sack salt; 1 box of raisins; 1 demijohn almonds; 1 seroon of garlic; 1 box cheese; 1 box chestnuts; 1 sack filberts; 2 boxes fruits; 6 kegs olives; 1 box candles; 12 quarter pipes rum; 4 barrels onions; 8 bales (commonest dried fish;) 1 demijohn brandy; 2 dozen fowls; 2 dozen ducks; 4 pigs; 1 barrel with 500 eggs; 1 sack of pimento; 2 boxes preserved fruits; 3 barrels potatoes; 1 box of soap; 1 barrel of vinegar; 1 barrel of lime.

August 2.—Captain reported under oath that George E. Hill, (mate,) Daniel Turner, John Knutt, William Schumaker, John Brown, and George Malle, deserted on the 30th of July. Orders for their arrest issued.

August 21.—H. W. Nolty, J. Morton, Henry Smith, William Mallow, James Helstrup, reshipped. G. Hage, Charles Guner, (Germans,) Thomas Burns, (American,) Samuel Cook, (English,) Juan Casanova, (Italian,) Grego. Catavoche, (Austrian,) F. Peterson, John Lanson, John Kellard, and Andrew Eveline, (all Germans,) this date shipped.

August 22.—Cleared for Macao.

Mr. Jones to Mr. Cass.

HAVANA, *September* 5, 1860.

DEAR SIR: I take the liberty of informing you that the bark William, a condemned slaver, taken off the coast of Cuba and sold at Key West, has been cleared and sailed for Mobile, under the American flag, to load and fit out again for the coast of Africa for a cargo of negroes for this island. Captain Pelitier, of the bark Ardenne of renown, has her in his name and company, with some Spaniards, who go from here to New Orleans and thence to Mobile, to sail on her for the coast. I give you this information as correct, for your government and attention.

Yours, very respectfully,

JOHN W. JONES.

Mr. Savage to Mr. Cass.

CONSULATE GENERAL OF THE UNITED STATES,
Havana, September 8, 1860.

SIR: I have the honor to enclose herewith a translation of a circular from the governor general to the governors and lieutenant governors of the island, enjoining the adoption of all lawful measures to stop the slave trade.

With great respect, sir, your obedient servant,

THOMAS SAVAGE, *&c., &c., &c.*

Hon. LEWIS CASS,
Secretary of State of the U. S., Washington.

[Circular.]

GOVERNMENT CAPTAIN GENERALCY AND DELEGATED SUPERINTENDENCY OF THE EXCHEQUER OF THE EVER-FAITHFUL ISLAND OF CUBA.—GOVERNMENT SECRETARY'S OFFICE.

In the orders circulated by this superior civil government under the dates of the 30th of November and 6th of June last I directed the civil authorities of this island to observe the most scrupulous vigilance in order to prevent any disembarcation of bozal negroes, determining that I would exact the strictest responsibility from them, as well as from all other public functionaries within whose districts landings were effected, whenever it should reach my notice that they had been facilitated either by abuse or negligence on the part of such civil authorities or public functionaries.

Notwithstanding these decisive dispositions, there have recently occurred, at various places, several landings of bozal negroes, which

ave compelled me to adopt resolutions, at all times painful, against ertain functionaries, it not having been made to appear properly that ey had displayed all the zeal and energy that were to be desired in e exact fulfilment of the duties imposed upon them by their offices, d the said orders of this government.

In this understanding, and determined, as I am, to prevent, by all eans within the limits of my authority, the traffic in negroes, and ereby comply strictly with international treaties, as well as with e laws and other dispositions enforced upon the matter, I again address you, charging you, under your direct responsibility, and that of e public employés immediately subordinate to your authority, to aintain the most active vigilance to prevent all infringement of ese laws and instructions in the district under your care; with the nderstanding that the mere fact of a landing of bozal negroes having been effected will be sufficient cause for the removal of any public nctionary that does not use all his efforts, and all the means that the ws place at his disposal, to prevent it, whether it be from negligence r any other cause whatever, without prejudice to subjecting him to he tribunals whenever he should in any way give cause for his conuct to be suspected, or his morality to be doubted.

The great importance of this question is not concealed to your good dgment, and, as any want of zeal or activity that may be observed n this matter consequently falls upon the honor of the government hich it is my duty to keep without a stain even in the last of the ublic employés, I expect, therefore, that, without loss of time, you ill transmit to those immediately dependent on your authority the rders that I have given, and such others as your zeal and good ishes in behalf of the well understood general interests, with the arning that I will be inexorable in the application of all I have njoined, in the same manner that I will endeavor to reward the good ervices of those that may render them.

And, lastly, I enjoin you, for the due fulfilment of what has been rdered, to make use of all such governmental measures as are within he limits of your authority, with the assurance that by this superior ivil government will be approved all those that may conduce to putting an end to the reprobated traffic in slaves.

God preserve you many years.

HAVANA, *September* 4, 1860.

FRANCISCO SERRANO.

To the GOVERNOR OF ———.

Lord John Russell to Lord Lyons.

FOREIGN OFFICE, *September* 10, 1860.

MY LORD: I have received Mr. Irvine's despatch, slave trade No. 9, of the 13th instant, enclosing the reply of the United States government to the proposals which you were instructed to make to that government, with the view to the final extinction of the slave trade.

Her Majesty's government regret to find that those proposals have not met with the assent of the President, but they are not without hope that the government of the United States, if unable from reasons of state policy to join with her Majesty's government in proposing measures to Spain for the suppression of the Cuban slave trade, will still take effective steps to prevent that traffic from being carried on in United States vessels, and under the United States flag.

The United States newspapers have recently published two lists, of which I enclose copies, one of which contains the names of eighty-five vessels that have fitted out and sailed from American ports within the last eighteen months to be employed in the African slave trade, and the other contains the names of twenty-six vessels that have landed their cargoes in Cuba, conveying probably not less than from 12,000 to 15,000 Africans to that island.

Her Majesty's government have every reason to believe that so far from the above lists being exaggerated, the number of vessels actually engaged in the slave trade under the American flag considerably exceeds that given in the lists in question, and a large proportion of the vessels named have been actually met with by British cruisers on the American coast under circumstances that left no doubt as to the illegal traffic in which they were about to be engaged.

Her Majesty's government do not press the proposition that cruisers of Great Britain and the United States should cruise in couples, or, indeed, any special mode of cruising, but it appears to them that two such powers as Great Britain and the United States ought to be able to prevent the landing of two-thirds or three-fourths of the slaves that are imported into Cuba, and thus cause the slave-dealers to abandon the traffic. The want of a slave trade suppression treaty between the United States and Spain no doubt weakens the action of United States cruisers, while, on the other hand, though Great Britain has a slave trade suppression treaty with Spain, yet the free use of the American flag by the slavers equally paralyzes the action of British cruisers; and on this point her Majesty's government wish to submit to the enlightened judgment of the President and General Cass that if the national regard of the United States for the honor of their flag is so great as to prevent an effectual destruction of the slave trade by British cruisers, it is incumbent on the United States to take measures of their own, which, if vigorously pursued, may extirpate a traffic condemned many years ago by the legislation of the republic, and repugnant to every feeling of humanity.

Before concluding this despatch, I would wish, with reference to that part of Mr. Trescot's note in which he states that the introduction of heathen coolies from China into the United States would demoralize the peaceful, contented, and orderly slaves in the southern States, and in the free States would bring these coolies into competition with respectable and industrious laborers, to observe that her Majesty's government never contemplated the introduction of Chinese into the United States, nor supposed that African slaves were habitually or frequently imported into the United States. What her Majesty's government proposed was, that Chinese laborers should be introduced into Cuba as a substitute for African negroes. But her Majesty's gov-

·nment would remark, that Chinese laborers have been introduced in)nsiderable numbers into the British West Indies, and into the island ' Mauritius, without producing any of the evils and inconveniences hich Mr. Trescot anticipates as likely to arise from them if they were ıtroduced into the United States.

You are instructed to read this despatch to General Cass and to ;ave a copy of it with him.

I am, &c.,

J. RUSSELL.

Lord LYONS, *&c., &c., &c.*

Mr. Dallas to Mr. Cass.

No. 286.] LEGATION OF THE UNITED STATES,
London, September 13, 1860.

SIR: On the receipt of your despatch dated the 6th ultimo, and numbered 271, requesting me to obtain reliable information as to the disposition made by this government of the Africans captured from slavers by the British navy, and also as to the disposition by this government of the officers and crews of those slavers, I addressed myself at once and directly to her Majesty's principal secretary of state for foreign affairs, and have obtained a satisfactory assurance in reply. The correspondence is hereto annexed in copy.

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

Hon. LEWIS CASS,
Secretary of State.

LEGATION OF THE UNITED STATES,
London, August 27, 1860.

MY LORD: I am instructed by the President to obtain, if possible, in such authentic and accurate form as may enable him, at the beginning of the next session of Congress, to meet a special resolution of the House of Representatives of the 23d of June last, information as to the disposition made by her Majesty's government of the Africans captured from slavers by the vessels of her Majesty's navy, and the disposition made by her Majesty's government of the officers and crews of those slavers.

May I, therefore, be pardoned for begging your lordship's assistance in causing me to be furnished with a reference to such statutes, orders in council, or orders and regulations issued by the lords commissioners of the admiralty, as may satisfactorily exhibit the legal foundation and authorized course pursued in regard to these objects of inquiry?

Allow me to renew to your lordship the assurance of the highest consideration with which I have the honor to be your lordship's most obedient, humble servant,

G. M. DALLAS.

FOREIGN OFFICE, *September* 7, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th ultimo, requesting information as to the disposition made by her Majesty's government of the Africans captured by the vessels of her Majesty's navy, and as to the disposition made by her Majesty's government of the officers and crews of those slavers; and, in reply, I beg leave to acquaint you that the information in question is now being procured in compliance with a request addressed to me by Lord Lyons, on the part of the government of the United States, and that it will be forwarded to his lordship as soon as the necessary inquiries shall have been completed.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. RUSSELL.

G. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

Mr. Trescot to Mr. Hillyer.

DEPARTMENT OF STATE,
Washington, September 18, 1860.

SIR: I transmit herewith, for your information, and in order that the requisite instructions may be given to the United States attorney at Mobile, a copy of a communication dated September 5, received at this department from Mr. John W. Jones, of Havana, in regard to the bark "William," alleged to be a slaver.

I am, sir, your obedient servant,

WILLIAM H. TRESCOT,
Assistant Secretary.

Mr. Pleasants to Mr. Trescot.

OFFICE OF THE SOLICITOR OF THE TREASURY,
September 21, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, with enclosures from Havana, in relation to the bark "William," alleged to be a slaver, and have this day enclosed a copy to the United States district attorney at Mobile, with instructions to look out for it, and take the proper measures to enforce the laws of the country against it.

Very respectfully, your obedient servant,

B. F. PLEASANTS,
Acting Solicitor.

WM. H. TRESCOT, Esq.,
Assistant Secretary of State, Washington.

Mr. Smith to Mr. Cass.

SNOW HILL, *Maryland, October* 1, 1860.

SIR: I have the honor to represent to you that I am the true and awful owner of the captured slaver "Storm King," now at Norfolk; ut that owing to my having been, by the most manifest perjury and ther improper means, grossly defrauded of her possession in the month f July, 1858, in New York, while I was absent at Turk's islands in he discharge of consular duty there, and by the same parties, no oubt, who fitted her out at that port in May last as a slaver, I have ot been able to recover her, though it has been more than a year ince I instituted a suit for that purpose in the district court of the Jnited States for the southern district of New York immediately pon my arrival in the country, in July, 1859, where it is still pending efore his honor Judge Betts.

And I beg the honor further to represent to you the means by and he circumstances under which I was both fraudulently and illegally eprived of the said brigantine "Storm King," with the hope that, nder the peculiar and various hardships of the case, she may, in quity, be restored to me by authority of the government, if possible; nd they are as follows:

In the month of February, 1858, she was condemned and sold at alt Key, one of the Turk's islands, in the West Indies, being owned t the time in and belonging to the port of Baltimore. I became the urchaser at public auction, had her refitted, gave her a "sea" or sailing letter" under my hand and the seal of the United States nsulate at those islands, and sent her to New York for further epairs, entirely relying upon the integrity of her commander to roperly manage everything relating to her affairs while there, not eing able to leave the consulate to return to the United States at that me; and I guaranteed to him a half interest in the vessel upon rtain conditions, which he never complied with.

Upon his reaching New York in the "Storm King," in May, 1858, e at once entered into a dishonorable arrangement with a certain liver M. Pettit, of the firm of Jonas Smith & Co., of that city, to efraud me of all interest whatever in the vessel; and the said captain, Nathan N. Penny,) together with a certain Smith T. Blake, also of ne aforesaid firm, by their united and uninterrupted efforts to that nd, perpetrated by perjury and every description of recklessness the aid fraud to their mutual advantage in having the brig attached by he said firm for a sum neither correct nor ever due them, and then old under a decree of the United States district court, when it was npossible for me to be present to protect my interests, the said parties o the fraud becoming the purchasers on a day of sale not authorized y the court, and known only to those parties, but it was some time n July, 1858. The fraud can be easily proved, and the perjury also; ut still the suit to recover the vessel has been both vexatious and xpensive to me, and she has been purposely kept out of my reach by he fraudulent owners, who are men of notoriously bad reputation.

It is, sir, therefore, a duty which I owe to myself to request, and

in view of all the facts as stated, which appear on the records of the court, that should it be in the power of the government to restore the vessel to me, she being now held as a prize by the United States authorities, I should urge the matter respectfully upon the consideration of the government; and earnestly requesting the same from you at an early date, I have the honor to be, sir, very respectfully, your obedient servant,

B. EVERETT SMITH,
Late United States Consul.

Hon. LEWIS CASS, *Secretary of State.*

Mr. Trescot to Mr. Smith.

DEPARTMENT OF STATE,
Washington, October 5, 1860.

SIR: Your letter of the 1st instant, requesting this government to restore to you the "Storm King," of which you claim to be the owner, has been received.

It appears from your own statement that your claim is now before the United States district court for the southern district of New York; the department cannot, therefore, undertake to interfere in this case while it is the subject of judicial investigation.

Your obedient servant,

WM. H. TRESCOT, *Assistant Secretary.*

B. E. SMITH, Esq.,
Snow Hill, Maryland.

Mr. Phillips to Mr. Cass.

WASHINGTON, *October* 6, 1860.

SIR: The bark William was captured off the coast of Florida with a cargo of slaves, and the captain, William Weston, *alias* Washington Symmes, is now in prison at Key West awaiting his trial, which is to take place on the first Monday in November next.

This bark was cleared at the Havana, before the consul, November 19, 1859, in the name of Washington Symmes as master. The object of this is to request that the department may immediately order the person in the consulate who transacted the business, and who would be able to identify the said Symmes or Weston, to attend at Key West, at the time designated, as a witness, and to bring with him, if practicable, the book of record in which the entries are made, and if this is not practicable, a properly certified copy thereof, examined by him. May I ask that this direction be immediately given.

Your obedient servant,

P. PHILLIPS,
Appointed by the Government to aid in the prosecution.

Hon. LEWIS CASS, *Secretary of State.*

Mr. Trescot to Mr. Savage.

DEPARTMENT OF STATE,
Washington, October 9, 1860.

SIR: I transmit herewith a copy of a communication addressed to this department by Mr. P. Phillips, who has been appointed by this government to aid in the prosecution of William Weston, *alias* Washington Symmes, late master of the bark William, captured off the coast of Florida with a cargo of slaves.

Mr. Phillips has been informed that, in the absence of Mr. Helm, the consul general, it will not be practicable for you to leave the office at Havana. You will please, however, transmit to Mr. Phillips, at Key West, Florida, a copy, properly examined and certified, of all the official entries in the consular records relating to the bark William, or her late master. Should any one of the consular clerks be able to identify Weston, *alias* Symmes, you are authorized to send him to be present as a witness at the trial. You will also communicate to Mr. Phillips any information in your possession relating to this subject. You will also send the bill, for making the copies, to Mr. Phillips.

I am, sir, your obedient servant,

WM. HENRY TRESCOT,
Assistant Secretary of State.

T. SAVAGE, Esq.
United States Vice-Consul General at Havana.

Mr. Trescot to Mr. Phillips.

DEPARTMENT OF STATE,
Washington, October 9, 1860.

SIR: I have to acknowledge the receipt of your communication of the 6th instant, in relation to additional evidence to be furnished "in the trial of Captain William Weston, now in prison at Key West awaiting his trial."

Agreeably to your suggestion, Mr. T. Savage, the vice-consul general at Havana, has been instructed to transmit to you at Key West a certified copy of all the official entries made in the office of the consulate general respecting the bark William, of which Weston, *alias* Symmes, was master. As Mr. Helm, the consul general, is now in the United States, it will not be practicable for Mr. Savage, who has now charge of the office, to leave his post as early as the first Monday in November. He has, however, been authorized to send to Key West one of the consulate clerks, should there be any one able to identify the prisoner. He has also been instructed to communicate to you any other information in his possession relating to this subject.

I am, sir, your obedient servant,

W. H. TRESCOT,
Assistant Secretary.

P. PHILLIPS, Esq., *Washington.*

Mr. Trescot to Mr. Savage.

DEPARTMENT OF STATE,
Washington, October 13, 1860.

SIR: Referring to the despatch addressed to you on the 8th instant, I have now to inform you that Mr. Helm, the consul general, who is now in this city, has been directed to repair to Key West to be present as a witness in the trial of Weston, *alias* Symmes, late master of the bark William; consequently there will be no occasion for you to send to that place either of the consular clerks. You will, however, lose no time in transmitting to the United States district attorney at Key West certified copies of all the official entries in the books of the consulate general relating to the William.

I am, sir, your obedient servant,

WM. HENRY TRESCOT,
Assistant Secretary of State.

T. SAVAGE, Esq.,
United States Vice-Consul General, Havana.

Mr. Trescot to Mr. Helm.

DEPARTMENT OF STATE,
Washington, October 12, 1860.

SIR: I transmit herewith a copy of a communication received from Mr. P. Phillips, appointed to assist in the prosecution of Captain William Weston, *alias* Washington Symmes, late master of the bark William, captured on the coast of Florida with a cargo of slaves.

Agreeably to the request of the assistant district attorney, you are directed to repair to Key West, as early as the first Monday of November next, for the purpose of being present as a witness in the trial of the said Weston, *alias* Symmes. On your arrival you will please report to the United States attorney or to Mr. Phillips.

I am, very respectfully, your obedient servant,

WM. H. TRESCOT,
Assistant Secretary of State.

C. J. HELM, Esq.,
United States Consul General at Havana,
Now in Washington.

Mr. Trescot to Mr. Phillips.

DEPARTMENT OF STATE,
Washington, October 13, 1860.

SIR: Referring to the communication addressed to you on the 8th instant, I have now to inform you that Mr. Helm, the consul general at Havana, who is now in this city at the National Hotel, has been

directed to repair to Key West, and be present, agreeably to your request, as a witness in the trial of Captain William Weston, *alias* Washington Symmes, late master of the bark William, captured on the coast of Florida with a cargo of slaves on board.

I am, sir, your obedient servant,

WM. H. TRESCOT,
Assistant Secretary of State.

P. PHILLIPS, Esq., *Washington.*

Mr. Irvine to Mr. Cass.

WASHINGTON, *October* 16, 1860.

SIR: From reports received from the officer in command of her Majesty's ships employed on the coast of Africa for the suppression of the slave trade, her Majesty's government have been informed that a large number of suspicious vessels on that coast carry American colors, although they have no claim to American nationality.

It would, therefore, much facilitate the operations of British cruisers employed in that service if they had some sure criterion by which to ascertain whether such vessels belong to the country whose colors they carry, and it has been suggested that this would be supplied if British cruisers on the African coast were furnished with copies of the registers of American vessels.

I have, therefore, received instructions from her Majesty's principal secretary of state to apply to the United States government for copies of the registers of American vessels for the guidance of her Majesty's cruisers on the coast of Africa.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

W. DOUGLAS IRVINE.

Hon. LEWIS CASS, *&c., &c., &c.*

Mr. Helm to Mr. Cass.

NEW YORK, *October* 22, 1860.

SIR: The bark "J. J. Cobb" was turned over to me as American property by the superior court of Havana a short time before I sailed from that city, and I was not then enabled to make a full report of all the facts connected with her abandonment at sea, and the investigations by the Spanish courts, which resulted in declaring the said vessel American property, and subject to be disposed of agreeably to the laws of the United States. Now, being informed by Mr. Morrell that he has some difficulty in obtaining a register for the bark in the absence of my final report in the premises, I have the honor to state that upon the delivery of the bark to me, and there being no claimant other than

the salvors, who were not willing to advance the funds necessary to defray the expenses incurred for protection and judicial investigation, amounting to more than the vessel was then valued at, I sold her with the consent of the salvors to A. Morrell, esq., a citizen of Baltimore, for the amount of the expenses; that as there was no evidence that the bark had ever changed her character as an American, she was furnished with a sea letter in addition to the necessary bill of sale.

Upon my arrival at my post I shall report all the facts in the case, this brief report being made only as an act of justice to Mr. Morrell, who purchased the vessel in good faith as American property, of which fact I have no doubt; and if, as I have been informed, the register was cancelled by the collector of customs of this city as having been sold to foreigners, it was done by mistake; the vessel was no doubt *chartered* to foreigners, or if sold, there is nowhere any evidence of the fact, and, in my opinion, Mr. Morrell is clearly entitled to a register for his bark "J. J. Cobb" as bona fide American property, as described in his sea letter issued by virtue of act of Congress, March 26, 1810, entitled "An act to prevent the issuing of sea letters except to certain vessels."

I have the honor to be, sir, with great respect, your obedient servant,

C. J. HELM,
United States Consul General at Havana.

Hon. LEWIS CASS,
Secretary of State, Washington.

Mr. Cass to Mr. Irvine.

DEPARTMENT OF STATE,
Washington, October 25, 1860.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, in which you "apply to the United States government for copies of the registers of American vessels for the guidance of her Majesty's cruisers on the coast of Africa."

I have submitted your application to the consideration of the President, and am instructed to say, in reply, that, with every desire to facilitate the object proposed by the two governments in their joint engagement to keep cruisers on the coast of Africa for the suppression of the African slave trade, this government is of opinion that such a proceeding would not afford the advantages suggested; would lead, in all probability, to controversies as to the character of suspected vessels, which had better be avoided; and would not be practicable under the present constitution and administration of the Treasury Department, the department which at present superintends the execution of the navigation and maritime laws of the United States.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

LEWIS CASS.

W. DOUGLAS IRVINE, Esq., &c., &c., &c.

Mr. Helm to Mr. Trescot.

NEW YORK, *October* 25, 1860.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, asking me to furnish the department with any information in my possession touching the shipment by Mr. Savage, acting consul general at Havana in my absence, of the crew of the slaver "City of Norfolk" on board of the United States steamer "Crusader," to be landed in the United States, and have to reply that your despatch and enclosures conveyed to me the first and only information I have on the subject. Immediately, however, on my arrival at Havana I will report fully all the facts in the premises.

I am, sir, with very great respect, your obedient servant,

CH. J. HELM.

Hon. WM. HENRY TRESCOT,
Assistant Secretary of State, Washington.

Mr. Cass to Mr. Dallas.

No. 284.] DEPARTMENT OF STATE,
Washington, October 26, 1860.

SIR: I herewith enclose to you, for your information, the copy of a note of the 16th instant addressed to this department by W. Douglas Irvine, esq., chargé d'affaires *ad interim* of the British legation in this city, in which application is made for copies of the registers of American vessels, for the guidance of her Britannic Majesty's cruisers on the coast of Africa, and a transcript of my reply.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

[The note referred to is given in its chronological order in this correspondence.]

Mr. Curtin to Mr. Trescot.

No. 69.] CONSULATE GENERAL OF THE UNITED STATES,
Kingston, Jamaica, October 27, 1860.

SIR: In reply to your despatch of August 10th last, requesting that I would inform the department "as to the disposition made by the British government of the Africans captured by the British navy, and also as to the disposition made by that government of the officers and crews of those slavers," I beg to enclose herewith a selection of the

laws of Jamaica which bear upon all persons that may be bound to service other than the apprenticeship of residents to artizans, mechanics, &c.; and you will find in 22d Victoria, chapter 4, that which relates to the disposal of the Africans in question. The officers and crews of slavers, unless British subjects, are allowed to leave in any manner they like. If British subjects, they are proceeded against, under the laws of Great Britain, in the vice-admiralty court of this island.

I have the honor to be, sir, your most obedient servant,

W. CURTIN,
Vice-Consul.

Hon. WILLIAM H. TRESCOT,
Acting Secretary of State, Washington.

ANNO VICESIMO SECUNDO VICTORIÆ REGINÆ.—JAMAICA, ss.

CAP. I.

AN ACT to amend the laws relating to immigrants, and to provide for re-payment of the expenses attendant upon their introduction and subsequent colonization in this island.

Whereas it is necessary to amend the laws relating to immigrants, to be hereafter introduced into this island: Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:

INTERPRETATION OF TERMS.

First. In the construction of this act the following words and expressions shall have the meaning hereby assigned to them, if not inconsistent with the context or subject-matter, that is to say, the expression "immigration agent," shall include any person appointed by the governor to act as agent-general of immigration, or as a sub-agent; the word "immigrant," shall mean all persons who may hereafter be introduced into this island under, and subject to, the provisions of this act; the expression "Indian immigrant," shall mean any immigrant who shall have been introduced from the British possessions in the East Indies; the expression "Asiatic immigrant," any immigrant who shall have been introduced from any other part of the continent or islands of Asia, except the British possessions in the East Indies, and except China; the expression "African immigrant," any immigrant from any part of the African continent, or from the island of Madagascar, or from any other island adjacent to the coast of the African continent, and inhabited by the negro race; the word "indenture," shall include all contracts of service, whether by indenture or otherwise, declared to be valid by this act; the expression "indentured immigrant," shall mean any immigrant under such indenture who shall not have completed his industrial residence; the word "employer," shall mean the proprietor, including any body politic or corporate, company or association, interested in the cultivation of estates, or the manufacture of agricultural produce, or manager,

attorney, overseer, or other person having the direction of, or the chief authority upon any sugar, coffee, or other plantation, breeding pen, or pimento walk, on which any immigrant may be employed; the word "estate," shall mean any sugar, coffee, or other plantation, breeding pen or pimento walk, on which any immigrant may be employed, and the lessee or tenant of any estate shall, during the continuance of his lease or agreement, be deemed a proprietor within the meaning of this act.

APPOINTMENT AND SALARY OF AGENTS OF IMMIGRATION AND EMIGRATION—NOMINATION OF PORTS OF EMIGRATION.

Second. The governor may appoint fit and proper persons to be agent-general of immigration, as also sub-agents, to act within such limits or districts of the island as shall be specified in their respective appointments, which agent-general shall be entitled to receive a salary from the public treasury, not exceeding two hundred pounds per annum, until five thousand immigrants at least shall have been introduced, and, thereafter, three hundred pounds per annum; and each sub-agent shall be entitled to receive a sum not exceeding six shillings for each immigrant per annum; and the governor may, from time to time, remove any agent-general, or sub-agent, and appoint any other fit and proper person in his place; and each sub-agent shall also be inspector of immigrants.

Third. The governor may, with the sanction of her Majesty's government, from time to time, appoint an agent or agents at any port or ports of emigration from which immigrants to this island may be embarked, for the purpose of engaging and despatching emigrants to be shipped to this island, under, and subject to, such rules and directions as he or they shall, from time to time, receive from the governor, and may also fix the salary, or other remuneration, to be paid to such agents, so as that the expense for such agents shall not exceed, in any one year, the sum of three thousand pounds.

Fourth The governor may, from time to time, by proclamation, or by notice, to be published in the Gazette, by authority, in this island, as also, if he shall think fit, in the London Gazette, and in any public newspaper circulating out of this island, name the ports or places from which immigration into this colony, within the meaning, and subject to the provisions of this act, shall be permitted, and the conditions under which such immigration may be carried on.

PROVISION FOR PROPORTIONATE INTRODUCTION OF IMMIGRANTS OF BOTH SEXES.

Fifth. The governor shall make provision for the introduction, from time to time, of such a proportionate number of immigrants of both sexes as may be fixed by her Majesty's government.

AS TO CONTRACTS WITH PRIVATE PERSONS BY IMMIGRANTS BEFORE ARRIVAL.

Sixth. If any immigrant arriving in this island from Madeira, the Azores, the Canaries, or the Cape de Verd islands, or from any part

of Europe, or of the West Indies, or of the United States, or of the British provinces of North America, or from any port or place from which immigration, within the meaning, and subject to, the provisions of this act, shall have been permitted as aforesaid, shall, before *his* arrival, have contracted with any person to perform service in this island, such contract shall, when approved of and countersigned by the immigrant agent, and subject to such alterations as the said agent may, with the consent of the parties, have made therein, be valid in this island for the full period named in such contract, not exceeding three years: *Provided*, That except as hereinafter mentioned, no such contract shall be so approved and countersigned, unless it shall have been signed with the names or marks of the contracting parties, and purport to be attested by a justice of the peace, whose signature shall be attested by a notary public, or attested by some notary public in the first instance, or British consul, or by some other person approved by, or acting under authority of her Majesty's government, one of whom shall certify that the parties entered into such contract voluntarily, and with a full understanding of its meaning; nor unless the immigration agent shall be satisfied that the immigration has been carried on in accordance with all existing regulations of the imperial government and of the legislature of this island.

Seventh. If the immigration agent shall not be so satisfied, or shall find the contract not to be so signed and attested as aforesaid, he shall report the same to the governor, who may, if he shall think fit, notwithstanding such report, direct the same immigration agent to approve and countersign such contract in manner aforesaid.

AS TO AGREEMENTS, BEFORE ARRIVAL, FOR CONTRACTS OF SERVICE.

Eighth. In case any immigrant, other than an Asiatic or Indian immigrant, shall, before embarkation, have consented to enter, upon his arrival in this island, into a contract of service with any employer, whom the immigration agent may select, for a period not exceeding three years, such consent being shown either by certificate of the government emigration agent, at the port of embarkation, or by an agreement signed by the emigrant, and witnessed by such notary, consul, or other officer, as hereinbefore mentioned, the emigration agent may indenture such immigrant to any employer whom the governor may think fit: *Provided always*, That no such assignment shall take effect until the employer and the immigrant, or the immigration agent, on his behalf, shall have executed an indenture in the form annexed, (Form No. 4,) or in such other form as may be approved by the governor; nor in case such immigrant shall have been introduced by the government of this island, until such employer shall have also entered into contract for payment of the costs of importation and incidental expenses, as required by this or any act now or hereafter to be in force.

AS TO NOTICE FOR APPLICATION FOR IMMIGRANTS.

Ninth. The agent-general of immigration shall, whenever directed by the governor, cause a notice to be published in the Gazette, by

authority, (Forms Nos. 1 and 2,) requiring proprietors and managers of estates to make application to him for such immigrants as they may be desirous of indenturing upon their arrival, and to notify the names and residences of each such proprietor, the estate on which he is desirous to indenture such immigrants, the number of immigrants wanted, and the particular description of the building or buildings in which such immigrants are to be located, and the country or place from which he is desirous they should be introduced, and to express the willingness of such proprietor to accept the services of so many of such immigrants as shall be allotted to him, not exceeding the number applied for upon the terms and conditions of this act, immediately after their arrival, or to forfeit and pay to the agent-general of immigration for the time being a sum equal to the whole amount he would be required to pay, if, after their introduction, the immigrants allotted to him should be indentured to him according to the provisions of this act, all which applications shall be by the agent-general submitted to the governor and the executive committee, with a view to arrangements being made for the introduction of the required number of immigrants, or as many thereof as shall be practicable.

AS TO REPORTS FROM EMIGRATION AGENT.

Tenth. The agent at any port of immigration shall transmit to the agent-general of immigration, by the vessel in which the immigrants shall be shipped for this island, and by any other ordinary means of communication, a return, showing the age, as near as the same can be ascertained, of every immigrant so shipped, and such other particulars as the governor shall, from time to time, direct.

COST OF IMPORTATION AND INCIDENTAL EXPENSES, ETC.

Eleventh. The governor may, from time to time, fix and determine the average cost of importation of each immigrant of the several classes contemplated by this act, introduced by the government of this island, and in fixing such costs shall include therein a sum sufficient, in his judgment, to cover the expenses of advances prior to embarkation of immigrants, who may die before arrival in this island, or immediately after their arrival, and before their services can be assigned, the passage money, salaries, and incidental expenses of interpreters, and all other expenses reasonably incidental to the introduction, protection, and care of immigrants, together with such an additional sum as, in his opinion, shall be sufficient to cover a proportionate part of the general risk of loss from death or other cause, before the expiration of the full term of industrial residence of immigrants of such class: *Provided*, That passage money shall be paid only for such immigrants as shall be landed alive in this island, and that in case it shall at any time appear to the governor that he shall have fixed the average cost of importation of any class of immigrants at too high a sum, then he shall have power to remit the whole, or any portion of the excess, and the agent-general of immigration shall forbear to require or enforce payment of the excess so remitted on any further instalments to

fall due, and shall refund to any employer any excess already paid: *Provided also*, That it shall be lawful for the governor, as soon as shall be found practicable, to effect arrangements with some insurance or other company, or companies, to assume the risk of loss from deaths of immigrants for a commensurate premium.

Twelfth. Towards providing for the risks of loss from death or other cause, the receiver-general shall carry to an account, to be called the "IMMIGRATION RISK FUND ACCOUNT," such portion as the governor shall, from time to time, direct of all surplus moneys now and hereafter arising from the export duties under the act of the fifteenth Victoria, chapter thirty-nine, after providing for the interest and sinking fund on the loan under such act, and after meeting any other appropriation by this act directed, from or out of such surplus moneys; and the governor, with the advice of the executive committee, is hereby empowered, from time to time, by warrant, under his hand, to direct the receiver-general to remit the whole or any part of the moneys at any time standing to the credit of the said fund, to be invested in the public funds or parliamentary securities of Great Britain, and the interest or dividends to accrue upon the same, when invested, shall also be invested in the like funds or securities, and all such investments, and the dividends and proceeds thereof, shall stand to the credit of the said immigration risk fund.

Thirteenth. If any immigrant, on arrival, shall not be immediately provided with employment, it shall be the duty of the immigration agent, and he is hereby authorized, to provide him with food and lodging at the expense of the island, until he shall be indentured, which expenses shall be repaid by the person to whom such immigrant shall be indentured.

AS TO REGULATIONS BY THE GOVERNOR FOR THE MAINTENANCE AND CARE OF IMMIGRANTS.

Fourteenth. The governor may make regulations which shall be legally binding upon employers, respecting the food and clothing to be provided for immigrants during their first three months of service, and respecting the lodging, medicine, and medical care of immigrants, also during the continuance of their indentures, and respecting any other matters necessary for carrying this act into effect, all which regulations shall be published in the Jamaica Gazette, by authority.

Fifteenth. Every immigrant, in the absence of any express agreement to the contrary, shall, during illness, receive, instead of wages, such allowances as the state of his health may require, or as may be directed by any regulation to be issued by the governor and published as aforesaid.

AS TO REGISTER OF IMMIGRANTS.

Sixteenth. The agent-general of immigration shall keep a register (Form No. 3) for separate classes of immigrants arriving in this island, distinguishing each class by a particular alphabetical letter, and shall insert therein the names of all immigrants of each class arriving in

the island, and shall number every immigrant by a particular number, commencing with the number one, and proceeding by regular numerical progression, and shall distinguish therein, under different heads, the alphabetical letter, number, name, age, sex, and country of every such immigrant, and the time when, the place from which, and the vessel in which such immigrant shall have arrived, and the cost of the passage, whether such immigrant has been introduced into this island by the means of the unappropriated residue of the sum of one hundred thousand pounds, authorized to be raised under the provisions of the acts fifteenth Victoria, chapter twenty, and sixteenth Victoria, chapter twenty-five, or whether introduced by means of loans to be raised under any other act or acts of this island to be passed, specifying such act or acts, or whether by the private means of the employer or other person, naming him, and the average sum payable in respect of every such immigrant by his employer, and whether such immigrant will, or will not, be entitled to a return passage, and also the name of the employer to whom he shall be indentured on his arrival, and of the amount of moneys, if any, which may have been advanced to such immigrant previous to his arrival in this island, and which is to be repaid by him out of his wages in this island, and such further particulars as the governor shall direct; and shall furnish to each sub-agent full particulars in respect of every such immigrant located in, or transferred to his district, for the government of such sub-agent.

ANNUAL RETURN BY EMPLOYERS, ETC.

Seventeenth. The employer of every immigrant shall, on or before the thirteenth day of October in each year, make a return, (Form No. 5,) to the thirtieth of September preceding, of the names and numbers of all such immigrants as have been in his employment at any time during the year last past, together with the date and cause (as far as the same may be known) of all deaths, and the number of births of the children of such immigrants, and the names of all immigrants who may have left the estate during such preceding year, to the agent-general, who shall insert the particulars thereof in the register of immigrants hereinbefore required to be kept by him; and the agent-general shall, at the end of every year, terminating on the thirtieth of September, furnish the governor with an abstract return, in triplicate, of the number, sex, increase and decrease of all immigrants in this island who shall not have completed their period of industrial residence; and also the number of each sex arrived within the previous twelve months, the ships in which they arrived, and the date of arrival; such return to be furnished on or before the tenth of November then following; and the governor shall cause the same to be laid before the legislative council and assembly at their session then holding or to be holden next thereafter.

AS TO THE INDENTURING OF IMMIGRANTS.

Eighteenth. Every Indian immigrant, on his arrival, shall be assigned by indenture (Form No. 4) for a period of two years, and may, within one month after the expiration of that period, be rein-

dentured to any other employer whom he may select for a further period of one year, and may, within one month after the expiration of the third year, and on payment of five pounds, demand a certificate of industrial residence, or he may, within such period as may be prescribed by the governor, before the expiration of such third year, signify to the immigration agent his desire to be reindentured to any other employer, whom he may select, for a period of one year from the determination of his then existing indenture, and the immigration agent shall reindenture him accordingly; and if the immigrant shall fail to make such payment, or to require such reindenture, his original indenture or reindenture shall be deemed to be extended for one year.

Nineteenth. Any Indian immigrant whose original indenture shall have been so extended, or who shall have been reindentured for a period of one year, after the expiration of his indenture, for a third year, may, within one month after the expiration of his fourth year's service, on payment of two pounds ten shillings, demand a certificate of industrial residence, or may require to be reindentured in like manner as aforesaid, and the immigration agent shall reindenture him accordingly for a fifth year; and if he shall fail to make such payment, or to require to be so reindentured, his last indenture shall be deemed to be extended for such fifth year.

Twentieth. It shall be competent to the immigration agent to assign any Asiatic immigrant, on his arrival, for a period not exceeding five years, according to the terms of any contract into which he shall have entered before his arrival here: *Provided*, That at the expiration of the second, and every other year of such period, the immigrant may require the said agent to transfer him to some other employer, whom he may select, for the remainder of the said period, or on payment of all advances made to him before his arrival in the colony, and then remaining unpaid, and of three pounds per annum for every year wanting to complete five years' residence in this island, to release him absolutely from his indenture, and give him a certificate of industrial residence: *Provided, also*, That every such assignment and transfer as aforesaid shall be made by indenture, as near as may be in the form annexed, (Form 4,) or such other form as may be approved by the governor; and such transfer shall be determinable, at the request of the immigrant, in like manner as the original assignment.

Twenty-first. In making any assignment of immigrants, it shall not be lawful for the immigration agent to separate husbands from wives, nor children, under the age of fifteen years, from their parents or natural protectors.

AS TO INDENTURES TO LESSEES.

Twenty-second. No immigrant introduced by the government of this island shall be indentured to the lessee, or the tenant of any estate held under any lease or agreement, unless the owner of such estate, by himself or his attorney, shall be a party to such indenture, or the contract for payment of the expense of introducing such immigrant; and the lease or agreement shall have a longer period to run than the term for which such immigrant shall be indentured, or unless such

lessee shall enter into such separate security to provide for the payment of such expense, and for the location and maintenance of such immigrants as may be approved of by the governor and executive committee.

AS TO THE SERVICES OF THE IMMIGRANT IN CASE OF THE DEATH OF THE EMPLOYER.

Twenty-third. If the employer of any indentured immigrant shall die, or if the estate mentioned in the contract of such immigrant shall be determined or forfeited, alienated or devised, the person who shall become entitled to such estate shall be entitled to the services of such immigrant during the residue of the term of his indenture: *Provided, always,* That for the purpose of deciding any dispute as to the title of any person to such estate, and the services of such immigrant, the person who is actually in possession of such estate shall be deemed to be entitled thereto; but the services of an indentured immigrant may be transferred, with his consent, to any other estate belonging to the same employer: *Provided,* That a memorandum of such transfer shall be indorsed on his contract, and signed by the immigration agent.

AS TO THE CANCELLATION OF INDENTURES, AND RE-INDENTURING OF IMMIGRANTS.

Twenty-fourth. The immigration agent may, with the sanction of the governor, cancel the indenture of any immigrant, in respect of whom any sum of money, payable by his employer under this act, shall remain unpaid for a period of three months after it shall have become due, or shall remain unpaid for a period of one month after a distress warrant shall have issued, to enforce payment for want of goods and chattels whereon to levy, or the indenture of any immigrant who, being paid according to the quantity of his work, shall not have received work sufficient, in the opinion of the said immigration agent, to enable him to earn a reasonable amount of wages, or in case any immigrant shall have been ill used by his employer, or in case of neglect of duty, or breach of contract on the part of any employer, in addition to any other penalty or forfeiture.

Twenty-fifth. The immigration agent may, with the sanction of the governor, at the request of any employer and immigrant, cancel any indenture for the purpose of re-indenturing any immigrant.

Twenty-sixth. Any immigrant, whose indenture shall have been cancelled under any of the provisions of this act, may, without the consent of such immigrant, be re-indentured to some other employer by the immigration agent, for any period not exceeding the then unexpired period of such indenture.

AS TO DESERTION OF SERVICE—COMPENSATION FOR ABSENCE.

Twenty-seventh. No Indian or Asiatic immigrant, who shall have deserted, or absented himself from service otherwise than from illness while under indenture, for periods amounting together to more than

one month in each year, shall be entitled to a certificate of industrial residence until he shall have further served, under indenture, for the period of such absence or desertion, unless he shall give a money commutation in lieu.

Twenty-eighth. Whenever an immigrant shall be required to make good to any employer any time lost to such employer, in consequence of the absence or desertion of any such immigrant, it shall be lawful for him, with the sanction of the immigration agent, to commute, by a money payment to his employer, to be fixed by such immigration agent, subject to the decision of the governor, in case either party shall be dissatisfied with his award for the time he would otherwise be bound to render in compensation for such absence or absences: *Provided,* That in all cases the absence of any immigrant, while undergoing imprisonment, shall be deemed an absence within the meaning of this act, which he shall be bound to make good by service, or compensation in money.

AS TO INDUSTRIAL RESIDENCE.

Twenty-ninth. In case of immigrants under twelve years of age, residence in the island, shall, for the purpose of completing industrial residence, be equivalent to residence under indenture, and immediately after any such immigrant shall attain his age of twelve years, he shall be liable to be indentured by the agent-general for the then residue of his term of industrial residence, and to all other the privileges and obligations of an indentured immigrant; and the agent-general shall fix and determine the period at which such immigrant shall have attained such his age of twelve years, according to the best evidence or information he can obtain.

Thirtieth. All immigrants, other than Indian or Asiatic immigrants, shall be entitled, after having resided three years in this island, to demand from the immigration agent a certificate of industrial residence, unless it shall be recorded in the office of the said immigration agent, or shall otherwise appear to his satisfaction that such immigrant has deserted, or absented himself from service, otherwise than from illness, while under indenture, for periods amounting together, during the three years, to more than three months, in which case he shall not be entitled to such certificate unless and until such immigrant shall have further served under indenture for the period of such absence, or desertion, or given a money commutation in lieu thereof, under the provisions of this act.

Thirty-first. Any Asiatic or Indian immigrant, who shall have served five years under indenture, or shall have made the money payments hereby appointed in lieu of service, may demand a certificate of industrial residence, (Form No. 6.)

NATURALIZATION OF IMMIGRANTS.

Thirty-second. Every immigrant born out of the British dominions, who shall have obtained or become entitled to a certificate of indus-

trial residence, shall immediately thereafter become entitled to all the privileges of a natural-born British subject within this island.

PASSPORT AND BACK PASSAGE.

Thirty-third. Every immigrant who shall have received, or shall be entitled to such certificate of industrial residence, shall be at liberty to abandon service, and may demand from the immigration agent a passport, (Form No. 7,) which, as well as the said certificate, shall be signed by the immigration agent, and given *gratis*, but no immigrant shall depart from this island without such passport.

Thirty-fourth. Every Indian immigrant shall, on production of his passport, be at liberty to depart from this island at his own expense; or, after residence of ten years, shall be entitled to a back passage, at the expense of the island, to the port in India from which he emigrated: *Provided,* He shall claim such back passage at any time within eighteen months after the period at which such back passage may become due and claimable, unless he shall, with the sanction of the governor, have foregone such right, in consideration of a grant of land, or a money payment, or partly of a grant of land, and partly of a payment in money, the governor shall give to each applicant for a return passage at least three months' notice, as precise as circumstances render possible of the period at which such passage will be offered him.

CERTIFICATE OF EXEMPTION.

Thirty-fifth. The governor may authorize the immigration agent to grant a certificate of exemption from industrial residence (Form No. 8) to any immigrant who, from sickness, accident, or other cause, shall appear to him incapable of labor, and may send any Indian immigrant back, at the expense of the fund herein provided, to the port in India from which he emigrated at any time after the granting of such certificate.

DEMURRAGE IN RESPECT OF BACK PASSAGE.

Thirty-sixth. Every Indian immigrant who shall have become entitled to a back passage shall be entitled to demand and receive, out of the fund herein provided, the sum of twenty-five shillings for every six months he shall be detained in this island after he shall become entitled thereto.

PROVISIONS OF PASSENGER ACTS IN RESPECT OF BACK PASSSAGE.

Thirty-seventh. In respect of all ships leaving the island with return immigrants, the immigration agent shall perform all the duties imposed on immigration agents in England by the "Passenger Act, 1855," of the Imperial Parliament, or any other passenger act which may now or hereafter be in force.

AS TO THE COLLECTION AND ADMINISTRATION OF THE PROPERTY OF IMMIGRANTS DYING.

Thirty-eighth. It shall be the duty of the immigration agent to collect and take possession of the property of any immigrant who shall die in this island, and, with the sanction of the governor, to deliver all such property to any person in the island who shall establish a right to the same, or, in the absence of any such person, to turn the said property into money, and pay the proceeds into the island treasury, in order that the same may be remitted to the person or persons in India, or elsewhere, who shall be entitled thereto.

Thirty-ninth. It shall be lawful for the governor to make all regulations necessary for giving effect to the provisions of the last preceding section, and any person contravening such regulations shall be liable, on conviction thereof, to a penalty not exceeding five pounds.

HOURS OF LABOR AND HOLIDAYS.

Fortieth. Every indentured immigrant, in the absence of any express agreement to the contrary, and except in case of illness, shall be bound to work upon, or in the service of, the estate mentioned in his indenture, for nine hours of each day, except only Sundays, Good Friday, New Year's day, and Christmas day, and such other days to be observed as festivals, according to the national custom of the class of immigrants to which such immigrant shall be registered as belonging, as the governor shall from time to time sanction and appoint

POWER OF ENTRY AND INSPECTION BY IMMIGRATION AGENT.

Forty-first. The immigration agent may, at any time, enter upon any estate where any immigrants shall be employed, and may inspect the state and condition of such immigrants; and, if requisite, require a muster of such immigrants, or any of them as may then be on such estate, and shall, at such period as the governor shall direct, visit and inspect every estate whereon immigrants shall be employed.

EMPLOYERS' REPORT TO POLICE OF DESERTION—PROCEEDINGS THEREON.

Forty-second. Every employer of every immigrant shall, within twenty-four hours from the time at which it shall have come to his knowledge that any immigrant shall have deserted from any estate, report such desertion at the nearest police station, stating in such report the distinguishing letter, and number, and name of such immigrant, with the date of his indenture, and every other information likely to facilitate the apprehension of such deserter; and it shall thereupon become the duty of the police to circulate such report among their several stations throughout the island; and every employer who shall fail to comply with the provisions of this clause shall forfeit a sum not exceeding five pounds.

ACCOUNTABILITY OF IMMIGRANT ABSENT FROM PLACE OF EMPLOYMENT.

Forty-third. It shall be lawful for the employer, or any servant of his, or for the immigration agent, or any police constable, or person enrolled as rural constable, to stop, without a warrant, any African, Indian, or Asiatic immigrant who shall, at any time, (except Sundays, or the holidays or festivals mentioned in this act,) be found during the ordinary hours of work at a distance of more than two miles from the estate in respect of which his services may be due; and if any immigrant so found shall fail to produce, upon being required to do so, a certificate of exemption, or of industrial residence, or a written ticket of leave, signed by his employer, to take such immigrant back to the estate in respect of which his services may be due; or if he shall refuse to disclose the name of such estate, then to take him forthwith before some neighboring justice of the peace, and such justice shall forthwith inquire into the case, and unless he shall be satisfied that such immigrant has completed such residence, or obtained such exemption as aforesaid, or that he is absent from the estate in respect of which his services shall be due, with the leave of his employer, shall make order for his immediate committal to the nearest prison, not being a county gaol, with or without hard labor, for a term not exceeding fourteen days.

PENALTIES ON EMPLOYERS, IMMIGRANTS, AND OTHER PERSONS.

Forty-fourth. Every employer of immigrants who shall omit to make the annual return hereinbefore required, and every person who shall, by any act or omission, obstruct the immigration agent in entering upon any plantation where any immigrant shall be employed, or in inquiring into the state and condition of any immigrant, shall, on conviction thereof, forfeit and pay a sum not exceeding twenty pounds for every such offence.

Forty-fifth. Every indentured immigrant who, during the continuance of his indenture, shall, without lawful excuse, absent himself from his work, shall forfeit his claim to all wages and allowances for the time during which he shall so absent himself; and, on being convicted of such absence, shall, for every such offence, be imprisoned in the nearest prison, not being a county gaol, and kept to hard labor for a term not exceeding fourteen days.

Forty-sixth. If any immigrant shall, by negligence or improper conduct, lose, throw away, endanger, or damage the property of his employer, or shall endanger such property by a careless or improper use of fire, or shall cruelly ill-use any cattle or other live stock belonging to his employer, or intrusted to his care, or by negligence occasion to be cruelly ill-used any such cattle or live stock, every such offender, on conviction, shall be punished by imprisonment, with or without hard labor, not exceeding thirty days.

Forty-seventh. Any immigrant who shall falsely or fraudulently pretend that he has completed his industrial residence, or who shall use, give, or lend any certificate or passport for any fraudulent pur-

pose, or who shall wilfully counterfeit or alter any such certificate or passport, shall, on conviction thereof, be imprisoned in such place of confinement as aforesaid, with hard labor, for such term not exceeding three months.

Forty-eighth. Any person who shall knowingly harbor, or receive into his employment, any immigrant then under indenture to any other person, shall, on conviction thereof, forfeit and pay to her Majesty a sum not exceeding twenty pounds; and shall pay to the employer the sum of four shillings for each day during which such immigrant shall have been harbored or employed; complaint of such harboring or employment being made by the immigration agent, or by the employer of such immigrant, at any time within twelve months after the offence shall have been committed: *Provided*, That if any employer shall state, upon oath, before any justice of the peace, that he has reasonable cause to suspect that any such immigrant is harbored, concealed, or employed on the premises of any person, such justice of the peace may grant a warrant to search for such immigrant, and bring him, and the person by whom such immigrant may be harbored, concealed, or employed, before him, to be dealt with as provided by this act.

Forty-ninth. Every master, or other person in charge of any vessel, who shall knowingly receive or harbor on board of such vessel any immigrant who shall not have duly obtained his passport, with the intention of carrying him out of this island, or any person who shall aid and abet the departure of any such immigrant, shall, on conviction thereof, forfeit and pay a penalty not exceeding twenty pounds for each and every such immigrant whom he shall have received, harbored, aided, or abetted.

JURISDICTION OF OFFENCES.

Fiftieth. All offences and breaches of any stipulation or engagement contained in any indenture, on the part of either employer or immigrant, for which no punishment is otherwise provided by this or any other act, may be heard and determined by and before the immigration agent, and, on conviction, shall be punishable, in case of any employer, by fine not exceeding five pounds; and, in default of payment, by imprisonment not exceeding one month; and, in case of any immigrant, with or without hard labor, not exceeding one month.

EVIDENCE.

Fifty-first. Every indenture, contract, document, or other proceeding, or any copy thereof, or any extract from the register directed to be kept by the agent-general, certified by or purporting to bear the signature of any immigation agent, shall be received as *prima facie* evidence of the original, and of the truth of the contents thereof, without further proof.

EXEMPTION FROM STAMP DUTY.

Fifty-second. All appointments, documents, and legal instruments required or made evidence by this act shall be exempted from stamp duty.

RECOVERY OF PENALTIES, ETC.

Fifty-third. All penalties and forfeitures imposed by this act shall be sued for and recovered by the agent-general of immigration, in the name of the Queen, in a summary manner, before the immigration agent in the parish in which the same respectively may be incurred, and the aggregate amount of penalties in respect of any number of immigrants under indenture to the same employer under one information; and all penalties and forfeitures awarded to be paid by any employer shall be recovered by distress and sale of any goods and chattels to be found on the estate on which a landlord might distrain for rent in arrear, and shall not be repleviable, except under an order of a judge of the supreme court, to be made upon affidavit, sworn to before a justice of the peace or a commissioner of the supreme court, disclosing such special circumstances as, in his opinion, would, if proved on the trial of such replevin, warrant a verdict in the plaintiff's favor; and every agent of immigration who shall enforce any of the provisions of this act shall be deemed to have been acting as and entitled to the protection afforded by law to a justice of the peace acting in the execution of his office; and all pecuniary penalties, when recovered, shall be paid over to the receiver general, to the credit of the "NEW IMMIGRATION FUND:" *Provided*, That no goods so distrained upon shall be sold before the lapse of fourteen days after distress made: *Provided, also*, That if any person, otherwise than by the authority of the person making such distress, shall remove, during any part of the fourteen days last aforesaid, any of the goods so distrained on from the premises whereon such distress shall have been made, he shall be liable to a further penalty of equal amount to that for which such distress shall have been made.

REWARDS.

Fifty-fourth. In cases of conviction for absence or desertion, the immigration agent may award to any policeman, constable, or other person, who shall have been active in the apprehension of any immigrant, such sum or sums, not exceeding six pence for each mile he may have had to travel from the place where the immigrant shall have been apprehended to the residence of the nearest justice, not exceeding in the whole five shillings for each immigrant apprehended, and grant a certificate to each constable, or other person, of the sum awarded to him, signed by the immigration agent, and countersigned by the clerk of the peace, or magistrate's clerk, which shall be payable on the warrant of the governor, at the island treasury, out of the constabulary reward fund.

AS TO PAYMENT, DETAINER, OR ABATEMENT OF WAGES.

Fifty-fifth. Upon any complaint made by any employer or immigrant, the immigration agent by whom such complaint shall be heard may, in addition to any other order made on such complaint, award to such immigrant the whole or such proportion of the wages of any such immigrant appearing to be due to him as such immigration agent shall think reasonable, or shall authorize the employer to retain the whole or any specified portion of such wages.

Fifty-sixth. Upon any complaint by any immigrant for non-payment of wages, or damages for breach of contract, or misconduct on the part of his employer, it shall be lawful for the immigration agent to make a proportionate abatement out of any sum to be awarded as the wages or damages due to such immigrant, for such days or times as he shall be proved to have been, without the consent of his employer, absent from, or neglecting his service or work ; and also for the value of any damage done to the property of his employer, by or through the misconduct, or negligence, or carelessness of any such immigrant ; but no immigrant, whose wages shall have been abated for absence, shall be required to give any further service for the period of such absence.

TIME WITHIN WHICH COMPLAINT TO BE BROUGHT.

Fifty-seventh. Except where otherwise directed, no complaint by any employer against any immigrant, or by any immigrant against any employer, shall be entertained, unless the same shall be preferred within thirty days after the occurrence of the subject-matter of such complaint; and upon the hearing of any such complaint no abatement or deduction shall be made from the amount determined to be due to either party by reason of any misconduct of which such party may have been guilty, at any time exceeding thirty days before the institution of such complaint.

RETURNS OF SENTENCES ON IMMIGRANTS BY CRIMINAL JURISDICTION.

Fifty-eighth. Whenever any indentured immigrant shall be sentenced by any court of criminal jurisdiction, or by any justices, under any law in force, to any term of imprisonment, for any offence against the criminal law of this island, it shall be the duty of the proper officer of such court, or justices, within the period of one calendar month from the date of sentence, to forward to the agent-general a return, setting forth as accurately as may be the distinguishing letter, and number, and name of such immigrant, the name of the estate on which he is indentured, the offence of which he shall have been convicted, and the term of imprisonment to which he shall have been sentenced.

REPAYMENT OF COST OF IMPORTATION UNDER FIFTEENTH VICTORIA, CHAPTER THIRTY-NINE.

Fifty-ninth. In respect to immigrants who shall be introduced by means of moneys raised under the provisions of the acts fifteenth Victoria, chapter thirty-nine, sixteenth Victoria, chapter twenty, and sixteenth Victoria, chapter twenty-five, two-thirds of the cost of their importation shall be provided for as follows: that is to say, each successive employer of every such immigrant shall, at the time of the execution of any indenture of service, enter into a separate contract with the agent-general of immigration, engaging to pay to the agent-general, or sub-agent of the district for the time being, a sum of money, to be ascertained and inserted in such contract, (Form No. 9,) by instalments, at the rate of one-ninth part during the first year of industrial residence, and thereafter at the rate of two-ninth parts per annum for each of the remaining years of industrial residence; and also for payment, in the like proportions, of two-thirds of the cost of food and lodging, if incurred, the contribution of food and lodging to be added to that for cost of importation, and the whole to be payable by half-yearly instalments on the tenth March and tenth September in each year, the first payment of which instalment shall be made on the tenth March or tenth September, whichever shall first happen after the expiration of three months from the date of such indenture; but if the term of industrial residence shall not exceed three years, then the sum payable shall be one-fifth of the proportion of two-thirds of the costs aforesaid for the first year, and two-fifths for each of the ensuing years.

REPAYMENT OF COST OF IMPORTATION UNDER OTHER ACTS.

Sixtieth. In respect of immigrants to be introduced by means of moneys to be raised under any act to be passed, the whole cost of their importation shall be provided for as follows: that is to say, each successive employer of every such immigrant shall, at the time of execution of any indenture of service, enter into a separate contract with the agent-general of immigration, engaging to pay to the agent-general, or sub-agent of the district for the time being, a sum of money, to be ascertained and inserted in such contract, (Form No. 9,) by instalments, at the rate of one-ninth part during the first year of industrial residence, and thereafter at the rate of two-ninth parts per annum for each of the remaining years of industrial residence; and the cost of food and lodging, if incurred, shall be added to such instalments, and payable in the like proportions: that is to say, for the first year only one moiety of the sum payable for each subsequent year shall be chargeable, and every such half-yearly instalment shall bear, and be payable with interest, at the rate of six pounds per cent. per annum, from the day of the arrival of the immigrant, and shall be made on the tenth March and tenth September, the first instalment to fall due on whichever of those days shall first happen after the expiration of three months from the date of such contract; and if the

term of industrial residence shall not exceed three years, then there shall be paid for the first year one-fifth part of the cost of importation, food, and lodging, if incurred, and for each of the remaining years two-fifth parts thereof, with interest, by half-yearly instalments as aforesaid.

AS TO CANCELLATION OF CONTRACTS, CESSOR OF LIABILITY, EXECUTION OF NEW CONTRACTS.

Sixty-first. Whenever any indenture shall be cancelled, with or without the consent of any employer, and the immigrant shall be re-indentured, the contract entered into by the employer upon the payment of whatever proportion of the cost of importation of such immigrant as shall be then due, including the proportion of any current instalment and interest to the day on which the indenture shall be cancelled, shall be also cancelled in respect to all further instalments to fall due thereon, and the employer to whom the immigrant shall be reindentured, shall enter into separate contract for payment as aforesaid, of all further instalments, and so *toties quoties* upon every reindenture of any such immigrant.

Sixty-second. Upon the death of any immigrant, or other termination of his contract, the payment of all instalments to fall due next after the then current half year, shall cease and determine.

FORM OF CONTRACT, WHEN HUSBAND AND WIFE AND FAMILY INCLUDED IN ONE INDENTURE.

Sixty-third. Whenever any husband and wife, or husband and wife and child, or children, shall be included in one indenture, one contract shall be entered into as to all so included, for payment of two-thirds of the cost, or the whole cost, as the case shall require, of their introduction, in the proportions, and in the manner before directed, together with interest; and also the cost of food and lodging, if incurred, by the agent-general.

CONTRACT NOT REQUIRED FOR COST OF IMPORTATION OF IMMIGRANTS NOT INTRODUCED BY THE GOVERNMENT.

Sixty-fourth. The immigration agent shall dispense with the execution of any contract for payment of expenses with respect to immigrants introduced, otherwise than by the island government, and shall indorse upon the contract of service that the cost of introduction has been fully paid and discharged by the employer, and upon the transfer at any time of such services, with the assent of the parties, he shall make a similar indorsement: *Provided, nevertheless*, that the employers of such immigrants, and the immigrants themselves, shall be amenable to the provisions of this act in all other respects in which they shall be applicable to industrial immigrants and their employers.

REPAYMENT OF ADVANCES.

Sixty-fifth. The employer of any indentured immigrant shall pay to the immigration agent the amount mentioned in such indenture, as advanced to such immigrant, previous to his embarkation, either by an immediate payment, or by half-yearly instalments, at the rate of one shilling per week, at his option, and shall be entitled to deduct the same by weekly instalments from the wages of such immigrants; and the moneys so paid to the immigration agent shall be paid by him into the island treasury, to the credit of the immigration fund, by means of which the immigrant has been introduced.

REFUSAL OR NEGLECT TO ENTER INTO INDENTURE AFTER APPLICATION FOR IMMIGRANTS.

Sixty-sixth. Every proprietor or manager, who shall have made any application for, and who shall afterwards refuse or neglect to enter into the indenture and contract hereby required, shall forfeit and pay to the immigration agent, for the time being, for every immigrant allowed to him, whom he shall refuse or neglect to indenture, a sum equal to the amount he would have had to enter into contract to repay, if he had executed such indenture, and the whole amount shall be immediately enforceable: *Provided*, that the governor may remit or mitigate any such forfeiture.

Sixty-seventh. Every person deputed to manage any estate under power of attorney, recorded in the secretary's office, shall be deemed the authorized agent of his principal, for the purposes of this act, in the absence of express provision to the contrary in such power, but without prejudice to any right of action of such principal against any such agent who shall have contravened, or acted without, or against his instructions.

LIEN, AND MODE OF RECOVERY OF MONEYS PAYABLE UNDER THIS ACT.

Sixty-eighth. All moneys payable to the immigration agent, in respect to any indentured immigrant, or for refusal or neglect to execute an indenture under the provisions of this act, shall be a first charge on the estate in respect of which such immigrant shall be under indenture, or would have been under indenture, but for such refusal or neglect, and may be enforced by warrant of distress and sale, (Forms Nos. 10 and 11,) to be directed by the agent-general, or any sub-agent for the district, to any policeman of the parish where the same shall require to be executed, without any previous information or summons; and the aggregate amount of moneys or penalties in respect of any number of immigrants recoverable by distress warrant, to be executed upon the same estate, may be included in one distress warrant: *Provided*, that as against mortgagees, or other incumbrancers, or purchasers of any property sold for the payment of any mortgage or other incumbrance, after such mortgagees, incumbrancers, or purchasers shall have entered into possession, no greater amount of ar-

rears shall be enforceable and raisable as a first charge on any estate than the two last half-yearly instalments, which shall have actually become due next before such entry.

APPROPRIATION OF MONEYS DUE IN RESPECT OF IMMIGRANTS UNDER FIFTEENTH VICTORIA, CHAPTER THIRTY-NINE, &C.

Sixty-ninth. All moneys which shall be received from the employers of immigrants introduced by means of moneys raised under the provisions of the before-mentioned acts, fifteenth Victoria, chapter thirty-nine; sixteenth Victoria, chapter twenty-five, shall, by the agent general, be paid, one week after receipt, to the receiver general, and be by him carried to a separate account, to be called "*The One Hundred Thousand Pounds Immigration Loan New Sinking Fund,*" and the governor, with the advice of the executive committee, shall have power, from time to time, by warrant under his hand, to direct the receiver general to remit the whole, or such portion as he shall think fit, of the moneys at any time standing to the credit of the said fund, to be invested by the agents appointed, or to be appointed under the provisions of the said acts, in such of the public funds of Great Britain, in such manner, and in the names of such persons, as the lord high treasurer, or the lords commissioners of her Majesty's treasury, or any three of them, may from time to time direct, and as part of the sinking fund thereby established for the gradual redemption of the principal moneys raised, or to be raised, under these acts.

APPROPRIATION OF MONEYS DUE IN RESPECT OF IMMIGRANTS UNDER OTHER ACTS.

Seventieth. All moneys which shall be received from the employers of immigrants, introduced by means of moneys raised under the provisions of any act which may be passed, shall be paid one week after receipt by the agent-general to the receiver-general, and shall be by him carried to a separate account, to be called "*The New Immigration Fund.*"

RETURN PASSAGE AND COLONIZATION FUND.

Seventy-first. For the purpose of raising a fund to meet the expense of a return passage for Indian immigrants who shall entitle themselves to claim a return passage to the ports from which they embarked, or for the permanent colonization in this island of such and any other immigrants, it shall be the duty of the agent-general of immigration, on or before the tenth day of November, in each year, to furnish to the receiver-general, and also to the governor, a return, showing, as far as practicable, the total number of immigrants of all classes introduced by means of money raised under the provisions of the acts before mentioned, and of an act passed, or to be passed, for raising funds for such purpose, within the previous ten years alive in the island on the preceding thirtieth September, and thereupon the gov-

ernor, with the advice of the executive committee, shall, by his warant, direct the receiver-general to set apart and carry a sum equal to he sum of twenty shillings for every immigrant who shall appear by uch return to have been alive in this island on that day, in each uch year, out of any public moneys in his hands unappropriated, to he credit of an account to be opened in his books, to be called "*The mmigrants' Colonization and Return Passage Fund.*"

Seventy-second. Upon the receipt of such warrant, the receiver-general shall appropriate the amount so directed to be by him set apart, and shall carry the same to the credit of the account so directed to be opened, and shall invest the same, at interest, in such securities in this island, or in the public funds of Great Britain, and accumulate the interest to be from time to time received on such investments, when, and as the governor, with the advice of the executive committee, shall by his warrant direct, until money shall be wanting for the purchase of lands for such immigrants, or for procuring return passages for them.

Seventy-third. The receiver general shall, by and out of the moneys which shall, from time to time, be at the credit of such fund, pay all such warrants as the governor, with the advice of the executive committee, shall direct, on account of the purchase of land for the colonization of immigrants, or as a money commutation in lieu of back passages of Indian immigrants, and such further sums as shall be, from time to time, required to be expended for the payment of back passages for such immigrants; and, for the purpose of providing return passages, it shall be lawful for the governor to direct the receiver-general to advance any moneys which may be from time to time required, from the general revenue of the island, but to be repaid out of such fund when there shall be sufficient money at the credit thereof wherewith to make the repayment.

Seventy-fourth. The receiver-general shall carry to the credit of the same account a sum of five thousand pounds from or out of the surplus moneys arising from the export duties under the act of the fifteenth Victoria, chapter thirty-nine, after providing for the interest and sinking fund, or so much of the loan as has been raised under the said act.

PURCHASE OF LAND FOR GRANTS TO IMMIGRANTS.

Seventy-fifth. Whenever a sufficient number of immigrants shall require to have lands granted to them under the provisions of this act, the governor may, with the advice of the executive committee, from time to time contract for the absolute purchase, in fee simple, of lands in the proximity of estates whereon immigrants may be located, or any other lands suitable for the purposes of this act, the title whereto shall be taken in the name of her Majesty for the purposes of this act; and the governor shall also have power, with the like advice, to grant any lands, or the right and title of her Majesty to any lands, which shall have become forfeited to her Majesty for non-payment of land tax, or quit rents, or otherwise, for the purposes of this act.

TEN ACRES COMMUTATION, &C.

Seventy-sixth. Every Indian immigrant, who shall have completed an industrial residence of five years at the least, under the provisions of this act, and shall be desirous to commute his right to a back passage for a grant of land or money, shall be entitled to claim, through the agent-general of immigration, a grant of ten acres of land, purchased or acquired as aforesaid; and a grant or patent for ten acres of land shall be made out and given to such immigrant, and he shall be put in possession thereof by the immigration agent of the district; and it shall be lawful for the governor, at the request of every such immigrant, to direct payment of a money equivalent, in lieu of the whole or a portion of the land; and in such last-mentioned case, a lesser quantity only of land as may be agreed upon shall be granted; but no such Indian immigrant shall be entitled to such grant or money payment, until after he shall have completed an industrial residence of at least five years in this island: *Provided*, that the provisions of this section shall have no effect, unless and until her Majesty's government shall sanction the principle of commutation herein contained.

LAND GIFT.

Seventy-seventh. It shall be lawful for the governor, with the advice of the executive committee, to give or grant to any immigrant whatsoever, as or by way of reward for meritorious conduct, not exceeding one acre of land for each year of industrial residence he shall have given under indenture, in consideration of the faithful performance and discharge of his duties under such indenture.

SURVEYS OF LAND.

Seventy-eighth. All grants and patents for land, under the provisions of this act, shall have annexed thereto a plat or diagram of the lands thereby granted or given, as the same shall be laid out after actual survey, by the crown surveyor for the county in which the land is situate, to be appointed by the governor for the purpose.

Seventy-ninth. The cost of surveying and laying out lands as aforesaid shall not exceed the sum of thirty shillings for every ten acres.

RELIEF FROM TAXES—PROVISION FOR EXPENSES OF SURVEYS AND GRANTS.

Eightieth. All such lands shall be acquitted and discharged of all arrear of land tax and quit rents; and the grant or patent thereof, and the survey thereof, shall be made; and all expenses paid at the charge of "The Immigrant's Colonization and Return Passage Fund." And the same grant or patent shall be recorded and delivered to the immigrant entitled thereto, free of cost, charge, or expense to him; and which expenses shall be paid, under warrant of the governor, by the receiver-general.

Eighty-first. Every person who shall receive a grant or patent of land under the provisions of this act shall be exempted from all manner of direct taxes, and charges, and assessments, public and parochial, whatever, (any taxes raised by way of license, or on wheel carriages, horse kind, or horned stock excepted,) for the space of three years after such grant or patent shall be made.

PERMISSIVE OCCUPATION.

Eighty-second. The immigration agent, with the sanction of the governor, may permit any immigrant, at any time, and from time to time, during his period of industrial residence, to occupy any land, purchased or acquired for the purposes of this act, which he may sanction for such time, and upon such conditions, as the governor shall determine, so as such occupation shall not prevent or interfere with the due and faithful discharge of the services of such immigrant, under his indenture and the provisions of this act, and no such immigrant shall be liable to any direct or parochial tax, or charge, in respect of such permissive occupation.

RECOVERY OF POSSESSION.

Eighty-third. At any time after the expiration of (thirty days,) after a notice, in writing, signed by an immigration agent, requiring the delivery up of the possession of any land he may have been permitted to occupy, shall have been served upon any immigrant, or upon his wife, widow, child, or other members of his family, of the age of (sixteen years) or upwards, or in case no person shall be found in the occupation of the premises, then, at any time after the expiration of (thirty days,) after notice shall have been affixed to and left upon some conspicuous part of the premises, if possession shall not have been delivered up agreeably to the requirement of such notice, it shall be lawful for the immigration agent of the parish wherein such land is situate, having first summoned the defendant to appear before him, by warrant, under his hand, (Form No. 12,) to order any policeman, constable, or other peace officer to enter upon any such lands, and any dwelling-house and buildings thereon, and to remove every person who shall be found thereon or therein, together with his goods and chattels, out of the same, and to put any person appointed by the immigration agent in possession thereof, and any immigrant, or other person whosoever, who, after possession shall have been obtained, either by voluntary delivery, or under compulsory process as aforesaid, knowingly retake, or hold possession of any such land shall, on conviction thereof, be liable to be imprisoned, with or without hard labor, for every such offence, for not exceeding the space of three months.

FORMS.

Eighty-fourth. The several forms in the annexed schedule, or forms to the like effect, shall be valid and effectual for the purposes of this act.

REPEAL OF ACTS.

Eighty-fifth. The following acts and parts of acts shall be repealed; that is to say, the tenth section of the act, made and passed in the fifth year of her Majesty's reign, chapter forty-three; the act made and passed in the fifteenth year of her said Majesty's reign, chapter thirty-eight, chapter forty, and chapter forty-one; the act made and passed in the sixteenth year of her said Majesty's reign, chapter eighteen, chapter twenty-nine, and chapter thirty; the act made and passed in the seventeenth year of her said Majesty's reign, chapter six, and chapter thirty-six; the act made and passed in the eighteenth year of her said Majesty's reign, chapter twenty-one, and chapter fifty-two; the act made and passed in the twentieth year of her said Majesty's reign, chapter eight; and the several clauses of the act, passed in the fifteenth year of her said Majesty's reign, chapter thirty-nine, from the sixteenth section inclusive, to the end of the said act; and the several acts, and clauses of acts specially recited and repealed in and by such several acts, as also all other acts and clauses of acts at any time heretofore repealed by the said therein specially recited acts: *Provided, always,* that all acts done, and all existing contracts and agreements made and entered into under the authority of any such act or acts, shall continue in force for the time they were originally entered upon and may be enforced, and breaches thereof punished as if this act had not been passed.

COMMENCEMENT AND SHORT TITLE.

Eighty-sixth. This act shall take effect on the first day of January next, and may be cited for all purposes as "THE IMMIGRATION ACT, 1858."

SCHEDULE OF FORMS.

No. 1.

FORM OF NOTICE TO PROPRIETORS OR MANAGERS REQUIRING IMMIGRANTS TO BE ALLOTTED ON ARRIVAL.

18—.

Proprietors or managers of estates, desirous of indenturing immigrants on their arrival in this island, are requested to notify to me the name and residence of the proprietor, the estate on which it is proposed to indenture immigrants, the number of immigrants wanted for such estate, the particular description of the building or buildings in which such immigrants are to be located, and the country or place from which the proprietor is desirous such immigrants shall be introduced, such notification to be in the form annexed to "THE IMMIGRA-

TION ACT, 1858," or as nearly thereto as circumstances will permit, otherwise no attention will be paid to the application.

A. B.,
Agent-General of Immigration.

No. 2.

FORM OF APPLICATION FOR IMMIGRANTS.

18—.

SIR: Pursuant to the notice in the Gazette, by authority, dated ———, 18—, I beg to intimate to you on behalf of my constituents, A B, of ———, C D, of, &c., (describing each proprietor) the proprietors of ———, sugar estate, or otherwise, (according to the nature of the property, naming it,) in the parish of ———, that they are desirous to indenture on that estate ——— immigrants, to be introduced from (here specify the class of immigrants and country, or if desirous of the services of any description of immigrants, "any country or place the governor may think proper,") and on behalf of my constituents, I hereby express their willingness to accept the services of so many of such immigrants as shall be alloted to them, not exceeding the number above applied for upon the terms and conditions of "THE IMMIGRATION ACT, 1858," immediately after the arrival of such immigrants, or that they will forfeit and pay to the agent-general of immigration, for the time being, a sum equal in the whole amount they would be required to pay for immigrants allotted to them, if after their introduction such immigrants should have been indentured to them according to the provisions of this act, and the description of the building in which the immigrants are to be located, is as stated hereunder; my power of attorney bears date (specify date) and is recorded in the secretary's office, liber ——, folio ··—.

I am, &c.,

E F,
Attorney to the above-named.

To G H, Esq.,
Agent-General of Immigration.

No. 3.

Register of immigrants indentured into the island of Jamaica under the immigration act, 1858.

Distinguishing letter.	Distinguishing number.	Name of immigrant.	Age.	Sex.	Country.	Time of arrival.	Place whence shipped.	Vessel.	Cost of passage.	Average cost of importation payable by employer.	Whether entitled to a return passage or not.	At whose expense introduced.	To whom indentured.	Estate on which located.	Advances to be repaid out of wages.							Date of death.	Date of certificate of industrial residence.	Date of passport.	Port from which passport returned to be cancelled.	Remarks.

DISTINGUISHING LETTER.—1. Of immigrants from Great Britain, the British West Indies, and possessions in North America ..... A.
2. Of immigrants from the United States of America ..... B.
3. Of immigrants from Madeira, the Azores, the Canaries, and the Cape de Verde islands ..... C.
4. Of Indian immigrants ..... D.
5. Of Asiatic immigrants ..... E.
6. Of African immigrants ..... F.

Other classes, with other distinguishing letters, may be added if requisite.

No. 4.

, 88.

indenture, made the —— day of ———, 185 –, between A B, ant laborer, (A. No. —,) or C D, immigration agent of this col- behalf of A B, &c., of the one part, and E F of ———, in the and (———–,) of the other part, witnesseth, that in virtue of MMIGRATION ACT, 1858," and in consideration of the covenants part of the said E F, hereinafter contained, he, the said A B, reby bind himself to the said E F for the term of ——— years, mputed from the date hereof; and doth hereby covenant with E F, his heirs, and assigns, that he, the said A B will, during l term, or the continuance of these presents, truly and faith- rve the said E F, his heirs, and assigns, as laborer on ——— in the parish of ———, according to the laws and regulations r hereafter to be made concerning immigrant laborers in this and the said E F doth hereby covenant with the said A B, , the said E F, will, during the said term, or the continuance presents, provide the said A B with suitable and sufficient , medicine, and medical attendance (*a*,) and (during three from the date of this indenture, with food and clothing, ac- to the annexed scale ;) and such medicine, medical attendance, d lodging, shall be in conformity with the laws or regulations r hereafter to be made, concerning immigrant laborers in this and also will pay wages to the said A B (*b*) (during the next onths, at the rate of ——— per diem, and after the expiration months,) at the same rate, which may be at the time paid to rers, not under written agreement, working on said estate, ac- to the quantity of work performed, being at the rate of not n ——— per ——— subject, nevertheless, to deductions, at wing rate, per ("week," or "month," as the case may be,) viz :

attendance			
gs.....			
nent of advances, amounting in all to.....			
eductions per (week)			

tness whereof we have hereunto set our hands.

A B or (C D.)
E F.

—The passages between brackets lettered (*a*) and (*b*) may be if the immigration agent shall see fit. If they are inserted, migration agent must add a scale of food.

No. 5.

Return for the year commencing October 1, 185–, *ending September* 30, 185–, *of the entire number of immigrants located on ——— estate, in the parish of ———, the property of ———.*

DISTINGUISHING LETTERS OF CLASS.

	A.		B.		C.		D.		E.		F.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Number at last return												
Increase by birth												
Increase by transfer from other estates												
Increase by return of deserters absent at date of last return												
Decrease by death												
Decrease by transfer to other estates												
Decrease by desertion												

SPECIFICATION OF BIRTHS.

ıe of ınt.	Date of birth.	Sex.	Name of father.	His distinguishing letter and number.	Name of mother	Her distinguishing letter and number.

TIFICATION OF DESERTERS RETURNED WHO WERE ABSENT AT DATE OF LAST RETURN.

ames of deserters.	Sex.	Distinguishing letter and number.	Date of desertions during year.	Date of return during year.

SPECIFICATION OF DEATHS.

lame of deceased.	Sex.	Distinguishing letter and number.	Date of death.	Cause of death.

SPECIFICATION OF DESERTERS DURING THE YEAR.

Names.	Sex.	Distinguishing letter and number.	Dates of desertion.	Dates of return during year.

, A B ———, (owner) of ——— estate, the property of ———, hereby declare that the above five returns contain, to the best of knowledge and belief, returns of the number of immigrants on said estate on the 1st day of October, 185–, the date of the last ırn, and on the first day of October, 185–, as also of the increase decrease, since the last return, arising from births or deaths,

transfers from, or to other estates; the return of deserters absent therefrom on the preceding 1st October, but who afterwards returned to the estate; as also of cases of desertion from the estate during the year ending thirtieth September, 185–.

A B.

Declared by the above-named A B, before me, this — day of —, 185–.

J. P.

No. 6.

FORM OF CERTIFICATE OF INDUSTRIAL RESIDENCE.

These are to certify, that ——— (A 21,) an immigrant, introduced into this colony from ———, on the — day of ———, 18—, having served under indenture for the full period of — years of industrial residence, is now at liberty to abandon service, and is freed and discharged from all obligations of industrial residence, or of service, except the obligation to obtain a passport previous to his leaving the island under "THE IMMIGRATION ACT, 1858," or any other act relating to immigration.

A B, agent-general of immigrants,
(or as the case may be.)

No. 7.

FORM OF PASSPORT.

These are to certify, that ———, (A 21,) an immigrant introduced into this island from ———, on the — day of ———, having obtained his certificate of industrial residence, and having applied to me for a passport, is entitled to depart from this island, and the master, or other person in charge of any vessel, is hereby authorized and empowered to receive such immigrant on board his vessel, for the purpose of carrying him off this island, taking from the said immigrant this passport, and depositing the same with the officer of her Majesty's customs of the port from which the vessel may clear, in order that the same may, by such officer be returned to the agent-general of immigration, to be cancelled.

——— ———.

No. 8.

CERTIFICATE OF EXEMPTION FROM INDUSTRIAL SERVICE.

I do hereby certify that ———, (A 22,) an immigrant, introduced into this island, from ———, hath been, by direction of the governor, exempted from further industrial residence, in consequence of ———, (state the cause.)

No. 9.

FORM OF CONTRACT FOR PAYMENT OF EXPENSES.

We, A B, of, &c., ————, C D, of ————, by G H, of ———, our true and lawful attorney, duly authorized in this behalf, do hereby contract and engage with the agent-general of immigration, or the sub-agent of the district wherein the parish of ——— shall be situate, for the time being, such portions of the sum of ——, (being two-thirds of the or the whole, as the case may require,) average cost of importation of, and the cost of food and lodging supplied to ——— (A 21) an immigrant from* ———, indentured to the said ———, for —— years, by indenture, of equal date herewith, and located on ——— estate in the said parish of ———, by ——— half-yearly instalments, on the tenth day of March, and the tenth day of September, in each year, during which such indenture shall continue in force; and the parties in possession of the said ——— estate shall be entitled to the services of such immigrant, at the rate of ——— for the first year's service, terminating on the —— day of ———, and thereafter at the rate of ——— for each subsequent year of service, the first instalment to be paid on the —— day of ——— next; and in case the indenture shall be determined by the death, or other termination of the industrial service of the said immigrant, during any current half-year, the whole of the instalment for the half-year, to be payable at the, and thereof, together, with interest, at the rate of six pounds per centum per annum, on each instalment, from the date hereof until the same shall be paid; where interest may be payable, the moneys hereby intended to be secured to be deemed a prior charge upon the said ——— estate, and to be recovered and enforced under the provisions of "THE IMMIGRATION ACT, 1858," or any other act in force relating to immigrants.

As witness our hands, this —— day of ———.

A B
C D } By G H, their attorney.

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*If the immigrant has been reindentured, insert "originally indentured to ———, by indenture, dated the —— day of ———, and then located on ——— estate, but now reindentured to the said ——— for —— years, by indenture of equal date herewith, and proceed, as above, except that if the first year's service is at an end, the expressions alluding thereto shall be omitted, and the instalments declared to be payable at the rate of —— for each year.

No. 10.

FORM OF AUTHORITY TO DISTRAIN FOR INSTALMENTS DUE IN RESPECT OF INDENTURED IMMIGRANT.

Whereas default hath been made in payment of the several instalments due under contracts entered into by A B of ———, C D of ———, &c., in respect of immigrants located on ——— estate, in the parish of ———, that is to say, two instalments of ——— pounds each for the half-year ending the ——— day of ———, and the ——— day of ——— under contract dated the ——— day of ———, in respect of an immigrant named ——— (A 21) from ——— one instalment of ——— pounds for the half-year ending the ——— day of ———, under contract dated the ——— day of ———, in respect of three immigrants named ———, (B 21,) ———, (B 22,) and ———, (B 23,) and which several instalments amount in the aggregate to the sum of ——— pounds. These are therefore to command you to levy the said sum of ——— pounds by distress of any goods and chattels, to be found upon the said estate in the said parish, upon which a landlord might distrain for rent in arrear; and if, within fourteen days next after such distress by you taken, with or without previous appraisement, the said sum and the charges of distraining and keeping the same shall not be paid, then that you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you do pay the said sum of ——— pounds to me, to be accounted for under the provisions of "The Immigration Act, 1858," or any other act in force relating to immigration, retaining the overplus on demand to the proprietor, overseer, or manager of the said ——— estate.

Given under my hand this ——— day of ———.

To any policeman of the parish of ———.

If interest is payable under any contract, then insert the words "which several instalments, together with the further sum of ——— for interest, accrued due thereon," which several instalments, and the interest thereon, amount in the aggregate to the sum of £———.

No. 11.

FORM OF AUTHORITY TO DISTRAIN AFTER NEGLECT TO ENTER INTO INDENTURE.

Whereas, ——— immigrants from ———, have been allotted to A B, of ———, C D of ———, &c., for the purpose of being indentured on ——— estate, in the parish of ———, pursuant to their application of date the —— day of ———, 18 —, (through E F, their attorney,) to G H, esquire, the (then) agent general of immigration, the said ——— have neglected and refused to enter into the indenture and contract required by "THE IMMIGRATION ACT, 1858," and have forfeited and become liable, immediately to pay the sum of £ ———,

eing the amount which they would have been required to enter into ontract to repay, if they had entered into indenture and contract in espect of such immigrants, in accordance with such application, which orfeiture, and sum of ——— pounds his excellency the governor hath een pleased to mitigate and reduce to the sum of ——— pounds, (if uch be the case.) These are therefore, (&c., as in preceding form, filling up the amount to be distrained on with the full amount of forfeiture, or the mitigated sum, if the same shall be reduced.)

No. 12.

FORM OF WARRANT TO REMOVE IMMIGRANT FROM LAND OCCUPIED BY HIM.

JAMAICA, *ss.* Parish of ———.

To any policeman, constable, or other peace officer.

Whereas complaint hath been made unto ——— upon the oath of ———, and other evidence now produced to me ———, that E F occupies the piece or parcel of land situate at ——— by the permission of the immigration agent, with the sanction of the governor and executive committee, and having been duly required to yield and deliver up possession or occupation thereof, hath refused and neglected to deliver up the possession thereof; and the said E F having been summoned to appear before me this day, to show cause why he should not be removed from the said land, and having shown no sufficient cause for that purpose, (or not having appeared,) I do hereby authorize and require you, with such assistance as shall be necessary, to enter into the said land, and every house and building thereupon, in the day time, and remove the said E F and all such persons as shall be found therein, together with his and their goods out of such land, house, and buildings, and premises, and to put ——— into the possession thereof.

Given under my hand, this —— day of ———, 18 —.

ANNO VICESIMO SECUNDO VICTORIÆ REGINÆ.—JAMAICA, *ss.*

CAP. II.

AN ACT to provide for the introduction into this island of Chinese laborers at the expense of private persons.

Whereas it is expedient to make provision for the introduction into his island of Chinese laborers at the expense of private parties: Be it nacted by the governor, legislative council, and assembly of this land, and it is hereby enacted by the authority of the same:

First. Upon the arrival in this island of any ship having Chinese borers on board, the immigration agent-general shall, with the alth officer of the port, forthwith proceed on board such vessel, and,

with the assistance of such officer, shall ascertain, by personal inspection of the vessel, and of the passengers therein, and of the emigration papers furnished to the master of the said vessel, in pursuance of the "CHINESE PASSENGERS' ACT, 1855," of the imperial parliament, whether the provisions of the said act have been complied with or not, and shall report to the governor respecting the state of such vessel, and the treatment of the passengers therein, and whether there appear to be any grounds for proceeding against the said vessel, or the master thereof, under the provisions of said act, and respecting all other such matters as the governor may direct.

Second. All written contracts for the performance of any labor or service of agriculture in this island, which shall be made with any Chinese laborer, male or female, who shall have left China or Hong Kong for this island after the passing of this act, shall be binding on the parties thereto for the period named therein, not exceeding the period of five years, to be computed from the day of the landing of such laborer in this island: *Provided*, that every such contract shall be signed with the names or marks of the contracting parties, or of persons lawfully acting on their behalf, and shall be attested by the immigration officer at the port of embarkation, who shall declare that the laborer, party to such contract, signed the same voluntarily, and with a due understanding of its effect: *Provided, also*, that every such contract shall conform to the following conditions.

Third. Every such contract shall secure to the laborer making the same the right to receive, in lieu of any fixed wages specified therein, at the rate of wages which may from time to time be paid to unindentured laborers working on the estate on which he shall be employed; every such contract shall bind the employer to furnish to the laborer, free of charge, suitable lodging, and when sick, suitable and sufficient medicines, medical attendance, and hospital accommodation; every such contract may be terminated by the laborer, party thereto, at the expiration of the third year thereof, on payment to the immigration agent-general of ten pounds, or at the expiration of the fourth year thereof, on payment of five pounds; every such contract may bind the laborer to repay to his employer, at such rate, not exceeding four shillings a month, as may be determined by the governor, such specified sum, not exceeding two pounds eight shillings, as may have been advanced to him before leaving China; every such contract shall, on the arrival of the laborer, be submitted to the immigration agent-general, who shall and may make such alterations therein, for the benefit of the laborer, as he shall judge necessary to make the same conformable to the above conditions, and shall thereupon record and countersign the same; and no such contract, or altered contract, shall be binding on any laborer till so countersigned; such contract may be made in the form contained in the annexed schedule, and, at their expiration, may be renewed for a period not exceeding three years; every such contract, or renewed contract, shall be deemed to be an indenture, and, during the currency of the same, every Chinese laborer shall be deemed to be an immigrant, within the meaning of "The Immigration Act, 1858."

Fourth. If it shall be established before any sub-agent of immigra-

ion, or inspector of immigrants, on complaint preferred by any Chi-ese laborer, that such laborer is not provided by his employer with ufficient work to enable him to earn a just amount of wages according o the current rate of wages, under the terms of any such contract as foresaid, such officer shall report the same to the governor, who shall eclare his contract to be cancelled; and thereupon it shall be lawful or the immigration agent, with the sanction of the governor, to cause uch laborer to be indentured to some other employer, on the terms, s near as may be, of the said contract, for a period not exceeding the nexpired period of his term of service.

Fifth. All sums received by the immigration agent-general from ny Chinese laborer, in virtue of the third article of the second section of this act, shall be paid over by him to the person who may ave defrayed the expense of introducing such laborer, subject, nevertheless, to a rateable deduction, in case the government shall have aid any part of the expense.

Sixth. The words "governor," "immigration agent-general," 'written contract," "plantation," and "employer," where used in his act, or in the annexed schedule, shall bear the meaning assigned o them in the "Immigration Act, 1858."

SCHEDULE.

It is agreed between A. B., Chinese laborer, and C. D., acting on behalf of E. F., proprietor of the plantation (s), (x and z,) in the island of Jamaica, that A. B. shall serve the said E. F. on (one of) the said plantation (s) in the growing or manufacturing of articles the produce of such plantation (s) for the term of five years, from the day on which A. B. shall land in Jamaica: *Provided, always*, that it shall be lawful for A. B. to terminate the said agreement at the expiration of three years, on payment of the sum of ten pounds; or, at the end of four years, on the payment of the sum of five pounds. And it is further agreed that E. F. shall pay to A. B. the same rate of wages as is paid to the laborers not under contract or indenture, working on the same plantation, not being less than at the rate of ——— ———* a day, (which wages shall be paid on the last day of every week;) and that E. F. shall supply A. B., free of cost, with suitable lodgings, and with such medicines, and medical attendance, and hospital accommodation, as A. B. may need when sick. And it is further agreed that if the said plantation shall come into the possession of any other person than the said E. F., A. B. shall be bound to serve such other person, if required to do so, on the same plantation, and on the above terms. And it is further agreed that E. F. may deduct from the wages of A. B., at the rate of four shillings a month, the total sum of not more than (two pounds eight shillings,) which A. B. acknowledges himself to have received in advance before leaving China.

* The rate of wages must be filled up by the agent of the party introducing the laborers.

ANNO VICESIMO SECUNDO VICTORIÆ REGINÆ.—JAMAICA, ss.

CAP. III.

AN ACT for raising funds to defray the expenses attendant on the introduction of immigrants into this island.

Whereas it is expedient to authorize the raising of moneys for the introduction of immigrants into this island: Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows :

First. The governor may, with the advice of the executive committee, from time to time, as shall be deemed expedient, borrow and raise in this island, or in Great Britain, such sums of money, not exceeding the sum of fifty thousand pounds in any one year, as shall be required to be raised for the purpose of defraying, in the first instance, the expense of introducing immigrants into this island, under and subject to the provisions of the "Immigration Act, 1858," and shall have power to appoint an agent or agents in Great Britain for the purpose of raising and securing the repayment of moneys there borrowed.

Second. The moneys borrowed in this island, and repayable here, shall be secured by bond, debenture, or otherwise, to be signed by any two members of the executive committee, and countersigned by the receiver-general, and the moneys borrowed in Great Britain, and repayable there, shall be secured by bond, debenture, or otherwise, to be signed by the agent; or if more than one agent shall be appointed, then by at least two agents, to be appointed as aforesaid; and such bonds or debentures shall be in such form as the governor, with the advice of the executive committee, or such agent or agents, shall determine, and shall be transferable and negotiable, and be made redeemable six years at furthest after the date thereof, and every such bond or debenture shall be drawn for a sum not less than two hundred pounds sterling, and shall bear interest at a yearly rate not exceeding six pounds in the one hundred pounds, and which interest shall, by such bond or debenture, if drawn in this island, be made payable half-yearly at the island treasury, or, if drawn in Great Britain, be made payable half-yearly at some place in London, to be therein named.

Third. In case any bond or debenture shall be lost, or destroyed, or be defaced, the governor, with the advice of the executive committee, if the same shall be payable in this island, or the agent, or if there shall be more than one agent, any two agents, if the same shall be payable in Great Britain, may renew any such bond or debenture by substituting therefor a copy in all respects of the lost, destroyed, or defaced bond or debenture, except the signatures to be attached thereto, upon satisfactory indemnity being given, in case of the production of any bond or debenture alleged to have been lost or mislaid, against any loss, damage, or expense to be incurred in making or resisting payment of the original bond or debenture, or in case of a defaced bond or debenture, upon the delivery up of the same to be

cancelled, and which defaced or cancelled bonds or debentures shall be carefully preserved.

Fourth. All moneys to be so raised, and the interest thereon, shall be secured upon, and be the only charge upon the moneys directed by the "Immigration Act, 1858," to be carried to the credit of the "New Immigration Fund Account."

Fifth. The credit of this island shall stand pledged for the repayment of any loan to be raised under this act, and the annual interest thereof: *Provided, always,* that the revenue to be derived by the means and under the provisions of the "Immigration Act, 1858," shall be, in the first place, solely applicable to such repayment, and in case of any deficiency, after the application thereof, that such deficiency be paid and discharged by such means and out of and from such funds as the legislature may provide as and when such deficiency may arise.

Sixth. The receiver-general shall, from time to time, pay the half-yearly interest on the warrant of the governor, as the same shall fall due, on all bonds or debentures payable in this island, and shall, on the warrant of the governor, remit to the agent or agents in Great Britain, at a convenient time before the same shall fall due, such moneys as shall be required for payment of the half-yearly interest, to fall due and to be payable in Great Britain, such interest to be payable out of any moneys then at the credit of the "New Immigration Fund Account."

Seventh. For the gradual redemption of the principal moneys to be from time to time raised under the authority of this act, there shall be established a sinking fund, to which sinking fund there shall be carried and appropriated in each year all moneys received in such year from the employers of immigrants in repayment of the cost of importation, and the receiver-general, under warrant from the governor, shall annually remit such moneys to the agent or agents in Great Britain, to be invested in the public funds of Great Britain, in such manner as the governor, with the advice of the executive committee, shall direct, such remittance to be made out of any moneys then at the credit of the "New Immigration Fund Account."

Eighth. The utmost amount of moneys to be borrowed under the authority of this act shall not at any time exceed the sum of one hundred and fifty thousand pounds in the whole, over and above the moneys at the credit of the "New Immigration Fund," and those invested as aforesaid.

Ninth. This act shall take effect on the first January next, and may be cited, for all purposes, as the "Immigration Loan Act, 1858."

ANNO VICESIMO SECUNDO VICTORIÆ REGINÆ.—JAMAICA, ss.

CAP. IV.

AN ACT to authorize the indenturing, for purposes of industrial service, persons condemned as forfeited to her Majesty under the statutes for the abolition of the slave trade, in certain cases, and to remove doubts as to the rights of such persons.

Whereas it is desirable to make provision for indenturing, for industrial service, under the provisions of the "IMMIGRATION ACT, 1858," persons brought into this island, and condemned, by the court of vice-admiralty, as forfeited to her Majesty, under the statutes of the imperial parliament for the abolition of the slave trade, or in the events hereinafter provided: Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:

First. In the absence of any general, or special order in council, and until some other officer, civil or military, shall be appointed by her Majesty to receive, protect, and provide for persons who shall be brought into this island for the purpose of condemnation, and who shall be condemned as prize to her Majesty, under the provisions of the statutes of the imperial parliament for the abolition of the slave trade, the agent-general of immigration shall, under the orders and directions of the governor, previously to condemnation, receive, protect, and provide for, and, after condemnation, indenture persons who shall be so condemned, and who shall not be entered and enlisted into her Majesty's land or sea service as soldiers, sailors, or marines, whatever may be the age of any such persons, to any employer within the meaning of the "IMMIGRATION ACT, 1858," upon the terms and conditions therein mentioned or authorized, and any indenture, duly made and executed by such agent-general, shall be of the same force and effect as if the party thereby bound had himself, when of full age, duly executed the same upon good consideration, and had executed such indenture under the provisions of that act, and such persons may also be reindentured, from time to time, to any employers within the meaning of the said act, in the same way in which immigrants under indenture may be reindentured before the expiration of their indentures, and their services shall pass and be transferred, in case of the death of any employer, or the alienation, forfeiture, or devise by any employer of the estate on which such person shall be indentured, in the like manner as the services of indentured immigrants: *Provided*, that the person to whom such estate may be aliened, demised, or devised, shall signify, by indorsement upon such indenture, his willingness to become the employer of the person named in such indenture, or, in case of refusal, such persons may be reindentured.

Second. No such person shall be indentured or reindentured for a longer period in the whole than three years, or such time as may elapse until he shall reach the age of eighteen years.

Third. In every case where any such person shall be supposed to be under the age of eighteen years, the agent-general shall, according to the best evidence or information he can obtain at the time of indenturing such person, fix the age of the indentured person at the date of

the indenture, and shall indorse the same thereon, or, in default, the indenture of every such person shall determine on the expiration of three years from the date thereof.

Fourth. Subject, and without prejudice to the jurisdiction conferred by the imperial statutes upon the court of vice-admiralty, every such person, when so indentured, and every employer to whom he shall be indented shall become, and they are hereby declared to be amenable to all and every the provisions of the said act, as if such indenture were a contract of service entered into between employer and immigrant under that act, but no employer, to whom any such person shall be indentured, shall be required to enter into any contract for payment of any moneys for the benefit of this island, further than the cost to which the island shall be put for the support and maintenance of such person between the period of his arrival and being indentured to such employer, which sum shall be fixed by the governor, and collected and received from the employer at the time of his entering into indenture by the agent-general, and paid over to the receiver-general to defray any advances he may have made for the previous maintenance and support of such person.

Fifth. The governor may, with the advice of the executive committee, by warrant under his hand, direct the receiver-general to advance from the island treasury any moneys required for the maintenance and support of such persons previously to condemnation and indenture, to be repaid as hereinbefore mentioned.

Sixth. All indentures, already executed by the agent-general of immigration, in respect to persons captured by her Majesty's sloop "Arab," and condemned as forfeited to her Majesty, are hereby declared valid and effectual; and the persons so indentured, and their employers, amenable to the provisions of this act, and the "Immigration Act, 1858," in like manner as if such indentures had been executed after the passing of this act; and every such indenture shall be in force for three years from the date thereof, or such time as in any case where the African was under the age of eighteen years at the date of the indenture may elapse until he shall reach such age: *Provided*, that in any such case his age as of such date shall, before the expiration of three years therefrom, be fixed and indorsed on the indenture by the agent-general, in like manner as hereinbefore provided; or, in default, the indenture shall determine at the expiration of three years from the date thereof.

Seventh. All such persons heretofore, already, or hereafter to be brought into this island, after condemnation and indenture as aforesaid, shall be deemed to be, and to have been, for all purposes, as from the date of their being brought in, or of their arrival in this colony, natural born subjects of her Majesty, her heirs and successors, and to be, and to have been capable of taking, holding, conveying, devising, and transmitting any estate, real or personal, within this colony: *Provided*, that nothing in this act shall in anywise prejudice or interfere with any of the provisions, in relation to such persons, of the laws in force for the abolition or suppression of the slave trade.

ANNO VICESIMO SECUNDO VICTORIÆ REGINÆ.—JAMAICA, ss.

CAP. VIII.

AN ACT for promoting the education and industrial training of the children of immigrants.

Whereas it is necessary to make provision for the education and industrial training of the children of immigrants: Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:

First. This act may be cited as "The Immigrant's Industrial Schools' Act, 18 8."

Second. It shall be lawful for any immigration agent to order the child of any immigrant under indenture, introduced into this island after the passing of this act, with the consent of such immigrant, or any immigrant's child, being an orphan or abandoned by its parents, to be sent to any certified industrial school within the meaning of "The Industrial Schools' Act, 1857," or any act in aid, or amendment of the same, where such school shall be conveniently situated, to be fed, taught, employed, maintained, and taken care of, at such school in the same manner, in all respects, as the native children thereat; and the provisions of the recited act, and any act in aid, or amendment thereof, shall be incorporated with this act, and, so far as the same may be respectively applicable, extended to, or in respect of, every child sent to any such school, under the authority of this act.

Third. When any immigration agent shall order the child of any immigrant to be sent to any such "Certified Industrial School," such agent shall, within fourteen days after giving such order, make a return in duplicate to the agent-general of immigration of the sex, name, and age of every such child, and of the date of such order, and such returns shall be countersigned by the manager of such industrial school, and such agent-general shall transmit one copy of such return to the secretary of the executive committee within seven days after the receipt thereof by him.

Mr. Cass to Mr. Dallas.

No. 285.] DEPARTMENT OF STATE,
Washington, October 27, 1860.

SIR: Mr. Irvine, the chargé d'affaires of her Britannic Majesty, has read to me, agreeably to the instructions of Lord John Russell, a despatch from his lordship to Lord Lyons, dated September 10, 1860, and has left a copy of it at this department.

This despatch relates to the African slave trade, and presents to this government some general considerations connected with it, which more than once have been brought to its attention. I do not propose to renew a discussion which it is not probable would change the views

either of the parties; but there are some statements and remarks hich I am unwilling to pass by without observation, and to which I all briefly refer.

I request you would remind Lord John Russell of what, indeed, is heretofore been made known to the British government, that hile the United States are anxious for the suppression of the slave ade, and are taking efficient measures to prevent their citizens from gaging in it, they have great national rights, essential attributes their independence, in the exercise of which they will not suffer ny other power to participate, and among these is the jurisdiction over eir own vessels upon the ocean. A divided sovereignty, territorial maritime, in its use or abuse, may be fraught with consequences hich their history teaches them to avoid.

In the despatch of Lord John Russell, I perceive he refers to the merican flag as if it were contended that that national ensign fforded protection to the vessel bearing it. I beg you to assure his rdship that this country advances no such pretension. The immunity f a vessel upon the ocean depends upon her national character, to be scertained, if contested, by her papers, and, if need be, by other ircumstances, but not by the flag under which she sails. If a foreign ruiser boards a vessel with American colors, and she proves not to elong to this country, we have no right to complain of her examina- ion or capture; but if her papers justify the assumption of the flag, nd she is actually an American vessel, then a trespass has been com- itted by such cruiser, for which the government to which it belongs responsible; and the act itself will be more or less condemnable s the circumstances leading to it are of a character to justify suspicion to repel it, and as the conduct of the boarding party is more or less fensive or injurious.

There may have latterly been some increase of the slave trade, as ord John Russell supposes. I fear, indeed, there has been; but have strong reasons for believing that the number of American essels—not vessels sailing under the American flag—engaged in the affic has been greatly overrated. The evidence to which Lord John ussell refers in support of the lists which are furnished of the names vessels employed in this business is of a very unsatisfactory charac- er—anonymous statements made by letter writers in the newspapers, hich scarcely justify the assumption of the facts stated, as the basis f a diplomatic representation. It is added, however, I presume in rroboration of these statements, that a large portion of the vessels amed have been actually met with by British cruisers on the American oast, under circumstances that left no doubt as to the illegal traffic n which they were about to be engaged. I am strongly inclined to hink that the conclusion respecting the illegal character of the voy- ges of these vessels, or of many of them, at least, must have been rrived at very willingly by the persons from whom the information as derived, and without much evidence in its support. British uisers may have met on our coast, and outward bound, which they ust have been if they were about to be engaged in this traffic, a rge proportion of the one hundred and eleven vessels enumerated by ame; but in what manner the trade for which they were destined

could be ascertained, at least without boarding them, I am at a loss to conjecture. And it is not to be supposed that they could have been entered by a foreign armed force off our coast and the government remain in ignorance of such violence.

Upon the receipt of Lord John Russell's note, I had some conversation with Mr. Helm, accidentally, in Washington, our intelligent consul general at Havana, who, from his local and official position, has very favorable opportunities for procuring correct information upon the whole subject, and he assured me that no such number of American vessels were engaged in this traffic, and that they were overrated by more than one-half, and so with respect to the numbers said to have succeeded in landing their slaves. In my despatch to you of March 31, 1860, a copy of which I requested you to send to the foreign office, I communicated some important information upon this subject, which I owed to the same authority, and which showed the great exagerations which accompany these statements, and by which public functionaries are misled. It is his conviction that almost none of the capital employed in this nefarious traffic belongs to American merchants, but nearly the whole of it to foreigners; and I have no doubt but that although much the larger portion of it is supplied by the Island of Cuba, still very few commercial countries are entirely free from its participation.

One of the most intelligent and experienced officers in our navy has observed to me, in conversation upon this subject, that consuls and other officers whose duty it is to report to her Britannic Majesty's government the condition of the slave trade, and the number of vessels engaged in it, naturally desire to furnish evidence of their vigilance, and they therefore do not investigate the facts with as much care as would otherwise be employed, and vessels are consequently reported as slave traders upon mere rumors, and in suspected latitudes there are few that escape the suspicion; and thus it happens that lists are circulated which give very erroneous impressions respecting the extent of these hazarding adventurers.

Lord John Russell remarks, in the despatch under consideration, "that if the national regard of the United States for the honor of their flag is so great as to prevent the effectual destruction of the slave trade by British cruisers, it is incumbent on the United States to take means of their own which, if vigorously pursued, may extirpate a traffic condemned many years ago by the legislation of the republic, and repugnant to every feeling of humanity."

I do not understand how this conclusion is legitimately reached. I do not perceive that, because the United States are not disposed to suffer their vessels at sea to be entered and searched by the armed force of other powers, but choose to maintain the immunity from foreign jurisdiction which is secured to them by the law of nations, this adhesion to their rights imposes upon them any additional obligation, either with regard to the slave trade or to any other object of pursuit, legal or illegal, or makes it the more incumbent on them to adopt more vigorous measures for any purpose whatever.

The slave trade is justly condemned by the united voice of Christendom, but the part which any State will take in its suppression depends

xclusively upon itself. If a State enters into conventional stipulations
vith another power, by which it engages to employ its naval force for
hat purpose, it of course becomes its duty, during the existence of
uch engagement, to furnish and employ in good faith the means it
as undertaken to provide. The United States and Great Britain
ave contracted this mutual obligation, and this country is not only
aithfully fulfilling its engagements, but is going much beyond them.
A more efficient squadron is employed in the African seas than is re-
uired by the treaty, and as four of the vessels upon this service are
teamers, while they are far better adapted to the purpose, they are
aintained at a greatly increased expense. At the same time we
ave, in addition, a squadron of armed steamers in the Cuban waters,
or which there are no treaty stipulations, occupied in the same work
f suppression. And the success attending the operations of both
ese squadrons is an honorable testimony to the zeal and energy of
ur navy, and to its desire to carry into effect the instructions of the
overnment, though engaged in a most unpleasant and exposed duty.

The right of Great Britain to make representations to the govern-
ent of the United States, at any time, if it may be believed that the
merican squadron is not kept up, or employed agreeably to the re-
isitions of the treaty, is fully conceded. But with our conventional
ties the right of interference ceases. What our moral duties de-
and of us is a subject for our own exclusive consideration. Very
fferent opinions will often be formed by different nations of the policy
ey ought to adopt under given circumstances. But if each of them
ould assume the right to pass judgment upon the proceedings of the
her, and to make its own views the subject of diplomatic represent-
ions, it is not difficult to foresee the unfortunate consequences which
ould result from such intervention.

I beg you would call the special attention of Lord John Russell to
is matter, and to assure him, as the foreign office has been assured
ore than once before, that these diplomatic suggestions are as unne-
ssary as they are unacceptable, and to express the hope this govern-
ent entertains that similar appeals will not again be repeated. And
connexion with this topic, you will please also reiterate to his lord-
hip the assurance heretofore given, that while the United States are
t all times ready to receive and consider any proper suggestions con-
ected with this traffic, not already sufficiently discussed, yet it is felt
at the subject, with its extensive ramifications, is pressed too often
pon the attention of the government, as though it needed these
epeated representations to stimulate its action, or to teach it its duty.
You are requested to call upon her Britannic Majesty's principal sec-
etary of state for foreign affairs and leave with him a copy of this
tter.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq., *&c., &c., &c.*

Mr. Savage to Mr. Cass.

No. 63.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, October 31, 1860.

SIR: I received, yesterday, your despatches of the 9th and 13th instant, and will, in compliance with your directions, transmit to the district attorney at Key West a certified copy of the entries in the ship's daily journal of this office, respecting the bark "William," which is all we have here.

I now have the honor to accompany herewith certain papers relating to the brig "Nancy," of New Orleans, cleared on the 29th instant for the coast of Africa, to wit:

No. 1. Letter from the governor general of Cuba, advising that the consignees of the "Nancy" had applied for permission to load her for Africa.

No. 2. Consul's reply to the captain general.

No. 3. Affidavit of the master, wherein he asseverates that the vessel is bound on a lawful voyage, &c.

No. 4. Transcript of entries respecting the "Nancy," from the ship's daily journal.

The present master, Louis Teozo, is an Italian by birth, naturalized about twelve or fourteen years ago in New Orleans; the same person who came as second mate, and afterwards became chief mate of the "Nancy," when this vessel was detained here in 1858 by the authorities. He is an illiterate man, and, since his departure, I have learned that his knowledge of navigation is very limited, and that L. Cabaret, (French by birth,) an American shipmaster, secretly joined the "Nancy." and will be her actual commander. Cabaret, being in distress in New York, (where he arrived after his vessel had been captured in Africa,) shipped as mate of the American schooner "Major Barbour," which sailed several days ago from hence, cleared for New Orleans; this vessel did not report the desertion of any of her crew, but there is reason to believe that her mate, L. Cabaret, remained behind to join the "Nancy."

The steamer "City of Norfolk," mentioned in my despatch No. 59, was towed into this port some days ago by a Spanish man-of-war; and a brig, apparently of American build, name unknown, was captured near Cay *Paradon Grande*, with nearly four hundred negroes on board, by a Spanish war steamer, a few days since.

I am, sir, with profound respect, your obedient servant.

THOMAS SAVAGE,
Vice-Consul General.

Hon. LEWIS CASS,
Secretary of State of the United States, Washington.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, October 29, 1860.

SIR: In acknowledging the receipt of your excellency's communication, of the 23d instant, respecting the intended voyage of the American brig "Nancy," I have the honor to add that the master of said vessel having on this date produced to me the clearance of the authorities of the customs, and in the absence of evidence that she is or may be intended for the slave trade, or other unlawful traffic, I have, in conformity to the instructions of my government, as communicated to your excellency by Mr. Consul General Helm, on the 29th of May last, delivered to the master of the brig "Nancy" her papers and clearance.

I take much pleasure in renewing to your excellency the assurances of respect and esteem with which I am your very obedient servant,

THOS. SAVAGE,
United States Vice-Consul General,
In charge of the Consulate General.

His Excellency the Captain General,
SEÑOR DON FRANCISCO SERRANO, *Governor General of Cuba, &c., &c., &c.*

GOVERNMENT CAPTAIN GENERALCY, &C., &C., &C.

The intendant general of the army and royal exchequer on the 20th of the present month, said to me as follows:

MOST EXCELLENT SIR: The administrator general of maritime revenue, under yesterday's date, said to me the following: "Messrs. Hamel & Co. have on this date solicited the opening of register for St. Thomé and Rio Congo on the coast of Africa, for the American brig Nancy, Captain Lewis." And I make the same known to you "for the corresponding effects." And I have the honor of transcribing it to your excellency for your information, praying you to determine and communicate to me what you may deem expedient. I transcribe it to you for your knowledge.

God preserve you many years.

HAVANA, *October* 23, 1860.

FRANCISCO SERRANO.

The CONSUL GENERAL
of the United States of America in this place.

No. 804. Year 1860.—Brig Nancy, of New Orleans, 219$\frac{33}{95}$ tons, Archibald Forsyth, master.

September 5. Arrived 4th day of September, 1860, from New Orleans. When built, 1848. Where built, Baltimore, Maryland. Owner, P. Oscar Aleix. Cargo inward, lard, corn, &c. Cargo outward.

Policy No. 1—*Hamel & Co.*—135 pipes and 30 half pipes of aguadiente, (rum.)

Policy No. 2—*Hamel & Co.*—10 pipes and 8 half pipes of red wine; 24 barrels of beans; 30 barrels of beef; 8 barrels of pork; 14 barrels of flour; 22 kegs of lard; 20 boxes of codfish; 2 tin cans of salmon; 6 casks of codfish; 14 boxes of soap; 1 seroon, 8 a. of dry fish; 10 barrels of salt fish; 100 jugs of oil; 2 barrels of hams; 12 packages of sugar; 6 boxes of sugar; 3 barrels of sugar, 8 a. each; 3 crates of crockery, 8 a. each; 2 bags of coffee, of 4 a.; 5 barrels of vinegar; 10 boxes of vermicelli; 6 barrels of onions; 8 barrels of potatoes; 12 small anchors and chains; 2 cases with 40 bundles paper cigars; 2 barrels of picadura.

Policy No. 3—*Hamel & Co.*—100 bundles of hogshead shooks and heading; 12 bundles of iron hoops; 10 kegs of olives; 2 boxes of mallorca, preserved fruits; 1 barrel of wnite wine; 1 sack of filberts; 2 barrels of apples; 1 seroon of garlic; 1 cask of ale; 2 sacks of salt; 1 case of tallow candles; 1 case of chocolate; 2 sacks of leutries; 12 cases of herring; 2 sacks of Spanish peas; 1 box of almonds; 2 cases with six dozen tins of soda biscuit; 1 case with 25 dozen bottles of cologne water; 6 cases composition candles; 3 hogsheads of jerked beef; 6 cases of pickles; 12 empty demijohns; 1 barrel of hams; 2 cases of capers; 1 case of Dutch cheese; 3 small cases of oysters; 1 case of French oil; 2 cases of raisins; 1 case of bacon; 1 case of sausages; 1 case of tomatoe sauce; 60 barrels of bread; 50 sacks of rice; 1 case of muscatel wine; 2 demijohns of anisado; 2 cases of French wine; 2 kegs of butter; 6 cases of preserves; 1 case of guava paste; 2 demijohns of gin; 1 basket of champagne wine; 1 case of cordials and one case of cognac.

The three petitions for permits to ship the cargo are signed for Hamel & Co. by their clerk, Francisco Catalá.

A. Forsyth, master; Louis Teozo, mate; J. H. Beveridge, second mate, and seven men.

September 5.—Noted marine protest.

September 8.—Order of arrest issued against John Frost, reported by master to have deserted.

September 28.—Captain reported that John McMay, cook and steward, and Francis Fedmond, seaman, deserted on the 21st instant.

October 13.—Order of arrest issued against Charles Perry for insubordination.

October 20.—Louis Teozo, mate, this day appointed master in lieu of and at the request of Archibald Forsyth, late master, who resigned the command—being sick and unable to proceed in her.

October 29.—Order of release of Chas. Perry issued.

October 29.—Captain produced charter party to Reyes, Labatt & Co., merchants of Havana; vessel not to be employed more than six months, at $1,000 per month, from 23d instant to arrival in the United States; demurrage, $50 per day in case of delay; charterers to pay all port charges, and to furnish wood and water on the coast, if required.

List of the crew cleared with Louis Teozo, master, New Orleans.

J. H. Beveridge, second mate; Martin Dyer, seaman; Andrew Johnson, seaman; Thomas Duncan, seaman; Chas. Perry, seaman, of the original crew from New Orleans.

Shipped at Havana: Charles Fesnik, mate, 31 years, five feet five inches, United States, $50 per month, and $100 in advance; Jacob Zallem, cook, 30 years, five feet five inches, United States, $30 per month, and $60 in advance; J. H. Booth, steward, 24 years, five feet seven inches, United States, $25 per month, and $50 in advance; John Brown, carpenter, 25 years, five feet nine inches, United States, $20 per month, and $40 in advance; George Johnson, seaman, 25 years, five feet ten inches, Sweden, $20 per month, and $40 in advance; Joseph Rayner, seaman, 23 years, five feet five inches, United States, $20 per month, and $40 in advance; William Norton, seaman, 32 years, five feet three inches, United States, $20 per month, and $40 in advance; Peter Miller, seaman, 42 years, five feet eight inches, United States, $20 per month, and $40 in advance.

Cleared for St. Thomé and Rio Congo.

November 2.—Charles Perry remained behind and presented himself to day.

Mr. Cass to Mr. Toucey.

DEPARTMENT OF STATE,
Washington, November 12, 1860.

SIR: Referring to the resolution of the House of Representatives calling for correspondence concerning the slave trade, a copy of which was heretofore left at the Navy Department, I beg leave to request that a copy of such correspondence as relates to this subject, and which it is proposed to transmit in answer to this resolution, may be sent to this department, with a view to its being incorporated with the correspondence on the same subject from this department and the Treasury Department and communicated to Congress at the beginning of the approaching session.

I am, sir, your obedient servant,

LEWIS CASS.

Hon. I. TOUCEY,
Secretary of the Navy.

Mr. Cass to Mr. Toucey.

DEPARTMENT OF STATE,
Washington, November 14, 1860.

SIR: I have the honor to transmit, for your perusal, despatch No. 53, received from the United States vice-consul general at Havana, and with a view that the information contained therein concerning the sus-

picious character of the brig Nancy, which vessel has just cleared for the African coast, may, if you deem it expedient, be communicated to the commanding officers of the squadrons on the coast of Africa and Cuba.

I am, sir, your obedient servant,

LEWIS CASS.

Hon. I. TOUCEY,
Secretary of the Navy.

Mr. Toucey to Mr. Cass.

NAVY DEPARTMENT, *November* 19, 1860.

SIR: I have the honor to return herewith the despatch of the United States consul general at Havana which accompanied your letter of the 14th instant. The information it contained in relation to the brig Nancy, which vessel is suspected of being destined for the slave trade, has been communicated to the flag officer of the African squadron.

I am, sir, your obedient servant,

I. TOUCEY.

Mr. Cass to Mr. Thompson.

DEPARTMENT OF STATE,
Washington, November 27, 1860.

SIR: I have the honor to transmit herewith a copy of a resolution of the House of Representatives requesting the President to communicate to that House information touching the African slave trade.

I will thank you to transmit to this department, for the purpose of being incorporated into the report which it is proposed to transmit to the House of Representatives on Monday next, such information as may be in your department which you may consider pertinent to the subject, more especially that relating to "the number of slaves on board captured vessels, and the cost of their support and return to Africa."

I am, sir, your obedient servant,

LEWIS CASS.

Hon. J. THOMPSON,
Secretary of the Interior.

Mr. Trescot to Mr. Hilyer.

DEPARTMENT OF STATE,
Washington, November 28, 1860.

SIR: Referring to the communication addressed to you by this department on the 16th of December, 1858, enclosing, for your con-

sideration, despatches numbered 40, 43, and 48, received from the United States consul general at Havana, and also the letter of L. J. Hemming, the district attorney of the United States for the southern district of Florida, in relation to the brig Ardennes and the slave trade, I will thank you to return the said papers, in order that copies of them may be communicated to the House of Representatives, in obedience to a resolution of that body.

I am, sir, your obedient servant,

W. H. TRESCOT,
Assistant Secretary of State.

J. HILYER, Esq ,
Solicitor of the Treasury.

Lord Lyons to Mr. Cass.

WASHINGTON, *November* 30, 1860.

SIR : I have received instructions to communicate to the government of the United States the substance of a report addressed to the secretary of the admiralty by Lieutenant Burton, commanding her Majesty's ship "Triton."

It appears that Lieutenant Burton, on the 10th of September last, went on board a bark off Whydah, on the coast of Guinea, in order to ascertain her nationality. The bark was anchored about a quarter of a mile from the shore, opposite large barracoons full of negroes, from which Lieutenant Burton says five or six hundred slaves might be easily shipped in three or four hours. She proved to be the "Buckeye," and it appeared from her register that she belonged to New York, and that she cleared out of that port in May last. The year and month (May, 1860,) were inserted in the register, but the day of the month was omitted. The name of the master was shown to be *Booth*. He is stated to have previously commanded the "E. A. Chase," and was, Lieutenant Burton observes, reported to have run a cargo of slaves from the south coast division in 1858 On being asked by Lieutenant Burton whether he had any complaint to make respecting the visit, he replied that he had not.

Lieutenant Burton remarks that the flag on board the "Buckeye" displayed fifteen stars, and five red and four white stripes ; and adds that he is not sufficiently well informed as to the exact marks of distinction required in foreign flags to be able to say whether the flag in question was a legal American flag.

I am further instructed to acquaint the government of the United States that her Majesty's government have received information that this same vessel, the "Buckeye," subsequently left Whydah with a cargo of slaves on board.

I have the honor to be, sir, your most obedient, humble servant,

LYONS.

Hon. LEWIS CASS,
Secretary of State, &c., &c., &c.

Mr. Cass to Mr. Cobb.

DEPARTMENT OF STATE,
Washington, December 3, 1860.

SIR: I have the honor to transmit to you, herewith, for such proceedings in relation thereto as may be warranted, the copy of a note of the 30th ultimo, addressed to this department by Lord Lyons, relative to the case of the bark "Buckeye," which vessel is charged with having been engaged in the African slave trade.

I have the honor to be, sir, your obedient servant,

LEWIS CASS.

Hon. HOWELL COBB, *Secretary of the Treasury.*

[A copy of the enclosure appears in its chronological order in this report.]

Mr. Pleasants to Mr. Trescot.

OFFICE OF THE SOLICITOR OF THE TREASURY,
December 3, 1860.

SIR: I have received, this morning, your letter of the 28th ultimo, and, in compliance with your request, have the honor to return, herewith, the papers therein referred to, which were sent to this office by the Department of State, on the 15th of December last, to wit: Despatches numbered 40, 43 and 48, and also the letter of L. J. Fleming, deputy United States attorney for the northern district of Forida; all relating to the case of Captain Pelletier of the brig "Ardennes."

I am, very respectfully, your obedient servant,

B. F. PLEASANTS,
Acting Solicitor.

Mr. Cass to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 4, 1860.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 30th ultimo, communicating the substance of a report made to the secretary of the admiralty by Lieutenant Burton, commanding her Britannic Majesty's ship "Triton," in regard to the case of the bark "Buckeye," which vessel is charged with having been engaged in the slave trade.

In reply, I have the honor to thank you for the information thus imparted to me, and to state that it has been brought to the knowledge of the Secretary of the Treasury, in order that such steps may be

taken by him in relation to the matter as the circumstances shall, in his judgment, seem to require.

I have the honor to be, my lord, with high consideration, your lordship's obedient servant,

LEWIS CASS.

Lord LYONS, *&c., &c., &c.*

PAPERS COMMUNICATED BY THE NAVY DEPARTMENT.

NAVY DEPARTMENT,
November 30, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, requesting that the information to be furnished by this department in answer to the resolution of the House of Representatives of April 9, 1860, in relation to the African slave trade, may be sent to the Department of State for the purpose of being incorporated with that on the same subject from the State and Treasury Departments, and communicated to Congress at the beginning of the next session.

In compliance with your request I herewith transmit a list, numbered 1, of the vessels that have been seized, as engaged in the slave trade, since December, 1858, by our African squadron and sent to the United States, to which is added a list of those that have been seized on the coast of Cuba. A list of those seized previous to December, 1858, with the instructions to the African squadron, was communicated to Congress February 25, 1859, and may be found in Ex. Doc., No. 104, House of Rep., 35th Cong., 2d session.

I also transmit copies, numbered from 2 to 32, of the instructions, not heretofore communicated to Congress, that have been given to our naval officers on the west coast of Africa, and of such correspondence received from them as tends to show the extent of the slave trade and the mode in which it is carried on, to which are added copies, numbered from 33 to 68, of the instructions that have been given to our national vessels cruising on the coast of Cuba for the suppression of the slave trade, and of the correspondence on that subject received from them.

The only other information pertaining to this department, called for by the resolution referred to, is the cost per annum, since the date of the Ashburton treaty, of maintaining the African squadron. From the year 1843 to the year 1859 the average cost per annum is estimated at three hundred and eighty-four thousand ($384,000) dollars. The cost for the present year is estimated at about eight hundred thousand dollars ($800,000.) The increased expense for the year 1860 is due to the employment of a larger number of vessels on the coast of Africa, the majority of which are steamers.

I am, sir, very respectfully, your obedient servant,

I. TOUCEY.

Hon. LEWIS CASS,
Secretary of State.

No. 1.

List of captures made by the United States squadron on the western coast of Africa from December, 1858, *to August*, 1860, *both months inclusive:*

Bark *Julia Dean*, captured December 28, 1858, by the sloop-of-war Vincennes, Commander B. J. Totten, and sent to Norfolk. (Captured at Cape Coast Castle.)

Bark *Orion*, captured April 21, 1859, by the sloop-of-war Marion, Commander T. W. Brent, and sent to New York. (Captured off the Congo river.)

Bark *Ardennes*, captured off the Congo river, April 27, 1859, by the sloop-of-war Marion, Commander T. W. Brent, and sent to New York.

Ship *Emily*, captured off Loango, September 21, 1859, by the sloop-of-war Portsmouth, Commander John Colhoun, and sent to New York.

Brig *Delicia*, captured off Kabenda, December 21, 1859, by the United States sloop-of-war Constellation, (flag-ship,) Captain John S. Nicholas, and sent to Charleston.

Brigantine *Virginian*, captured in the Congo river, February 6, 1860, by the sloop-of-war Portsmouth, Commander John Colhoun, and sent to Norfolk, Virginia.

Brig *Falmouth*, captured off Porto Praya, May 6, 1860, by the sloop-of-war Portsmouth, Commander John Colhoun, and sent to New York.

Brig *Thomas Achorn*, captured at Kabenda, June 29, 1860, by the steamer Mystic, Lieutenant Commanding William E. Le Roy, and sent to New York.

Brig *Triton*, captured in latitude 5° 10′ south, longitude 11° 10′ west, by the steamer Mystic, Lieutenant Commanding William E. Le Roy, July 16, 1860, and sent to Norfolk.

Brig *Storm King*, captured near the Congo river, August 8, 1860, by the steamer San Jacinto, Captain T. A. Dornin. The Storm King had a cargo of 619 Africans, 616 of which (three having died) were delivered to the United States agent at Monrovia. The vessel was sent to Norfolk.

Ship *Erie*, captured near the Congo river, August 8, 1860, by the steamer Mohican, Commander S. W. Godon. The Erie had a cargo of 897 negroes, 867 of which (30 having died on the passage) were delivered to the United States agent at Monrovia. The vessel was sent to New York.

List of slavers captured by the United States vessels-of-war on the coast of Cuba.

Brig *Echo*, captured August 21, 1858, by the United States brig Dolphin, Lieutenant Commanding John N. Maffitt, and sent to Charleston, South Carolina. The Echo had a cargo of 318 Africans,

)6 of which (12 having died on the passage) were delivered to the nited States marshal at Charleston.

Brig *Cygnet*, captured by the United States steamer Mohawk, ieutenant T. A. M. Craven, and sent to Key West. Captured ovember 18, 1859.

Bark *Wildfire*, captured April 26, 1860, by the United States eamer Mohawk, and sent to Key West. The Wildfire had a cargo f 530 Africans, 507 of which were delivered to the United States arshal at Key West, 23 having died on the passage.

Bark *William*, captured May 9, 1860, by the United States steamer Wyandotte, Lieutenant Commanding F. Stanly, and sent to Key Vest. The William had a cargo of 570 Africans, 513 of which were elivered to the United States marshal at Key West.

Bark *Bogota*, captured May 23, 1860, by the United States steamer rusader, Lieutenant Commanding J. N. Maffitt, and sent to Key Vest. The Bogota had a cargo of Africans, 411 of which were elivered to the United States marshal at Key West.

Brig *Wm. R. Kibby*, captured July 23, 1860, by the United States eamer Crusader, Lieutenant Commanding John N. Maffitt, and sent o New York. The Wm. R. Kibby had three African boys on board ho were delivered to the United States marshal.

Brig, without name, captured August 14, 1860, by the United States eamer Crusader, Lieutenant Commanding Jno. N. Maffitt, and sent o Key West.

No. 2.

UNITED STATES FLAG-SHIP JAMESTOWN,
St. Paul de Loando, (Augold,) January 21, 1856.

SIR: I had the honor to address my last despatch to the department, o. 8, from Elmina on the Gold coast, notifying of my arrival at that lace. Upon leaving Elmina, which we did on the 13th December, e continued along the coast, having the shore constantly in view, and nchoring off Winebah Accra, Atakroo, Quitta, and Gomalonta, and ppearing off a number of intermediate places until we reached Why-ah, formerly the most celebrated of the numerous slave stations on is part of the coast. After remaining a short time at Whydah we irected our course to Prince's island, which we reached on the 27th ecember, and leaving there on the 2d came to anchor at this place n the 18th instant. After a thorough examination of the coast, hich we were enabled to make by keeping it in sight from Monrovia o Whydah, a distance of nearly one thousand miles, and more parti-ularly of the Bight of Benin, I have become thoroughly satisfied of ie non-existence at the present time of any organized traffic in slaves ithin the limits of this station. Such individual cases as there may e, should there be any, must be very rare. We have heard of but ne slaver being on the coast; we were informed of her by the officers f a British steamer-of-war, who stated that she was an American essel. Having traced her along the coast we boarded her at Accra,

and after a thorough and careful examination, were perfectly satisfied that she was engaged in legitimate trade, and, in fact, was nearly filled with homeward freight. Officers of English vessels that we have met with unanimously agree in representing the slave trade to be in a great measure broken up, both north and south of the equator, thus confirming the result of our own observation. * * * *

I am, very respectfully, your obedient servant,

THOMAS CRABBE,
Commander-in-chief of the U. S. Naval Forces, Coast of Africa.

Hon. J. C. DOBBIN,
Secretary of the Navy, Washington, D. C.

No. 3.

UNITED STATES FLAG-SHIP JAMESTOWN,
Porto Praya, April 18, 1856.

SIR: I have the honor to inform you that the United States ship St. Louis arrived here on the 9th instant from a cruise down the coast, having visited Monrovia, Cape Palmas, Little Popo, Whydah, Badagry, Prince's island, Ambriz, and St. Paul de Loando. She reports having boarded quite a number of vessels without finding anything in the least degree suspicious, or indicating much traffic in slaves The difficulties at Sinoe, in Liberia, and at Cape Palmas remained much the same as they were during our visit. By the St. Louis I received a letter from our commercial agent at St. Paul de Loando, dated the 3d of March last, in which he stated that on the 18th of February the Portuguese brig-of-war, Sierra de Pillar, Captain J. M. d'S. Rodoralho, captured, at a short distance from land, off Benguela, an unknown vessel, evidently intended for the slave trade. When overtaken by the Portuguese brig-of-war she hoisted American colors; upon being boarded she was found to be without name, and destitute of papers of any character, and, upon examination of her hold, she proved to be fitted with slave deck complete, and was provided with manacles and other articles necessary for that traffic; when asked her authority for carrying the American flag, it was, without remark, pulled down and the Portuguese hoisted in its place, upon which she was seized, as lawful prize, by the Portuguese brig-of-war, and taken to Loando for condemnation. In the examination of one of her crew, (a native of Brazil,) he testified that he and his companions were shipped at New York, by a shipping-master of that city, as they supposed for a lawful cruise; that they were taken from the wharf in a steamboat and put on board the vessel which was lying in the harbor, where they were joined by the captain, whose name is Benito Denzanz, and two others; that he did not know the owner's name, but supposed she belonged to a company of Portuguese in New York, who own many other vessels. He stated that when a few days out they were set to work making a slave deck, when they first discovered the nature of their voyage; at the same time the name was erased from her stern; he does not re-

member the name, but thinks it was something like General Peguno, (in English, Little General.) The commercial agent supposes the name may have been General Pierce, for the reason that the General Pierce was in New York at the time this vessel was reported to be there, and also that she has been suspected before of fitting out for the slave trade from Rio Janeiro, under the command of the brother of her present captain, a notorious slave dealer. What adds to the belief in the identity of the two vessels is the fact of both answering the same description, viz: a full-rigged brig of two hundred tons measurement. The unknown vessel was condemned by the prize court at Loando on February 27, and ordered to be broken up, unless purchased by the Portuguese government, and the crew were sentenced to remain in prison until trial by the judicial court. There are supposed to be no Americans among the crew, as none of them have claimed protection from our commercial agent, but should there be any the agency will use every exertion to procure justice done to them. Commander James H. Ward, who was a passenger in the St. Louis, reported for duty on board this ship on the 9th instant.

I am, very respectfully, your obedient servant,

THOMAS CRABBE,

Commanding U. S. Naval Forces, Coast of Africa.

Hon. J. C. DOBBIN,

Secretary of the Navy, Washington, D. C.

No. 4.

UNITED STATES FLAG-SHIP JAMESTOWN,

Porto Praya bay, February 14, 1857.

SIR: On the day following the date of my last despatch to the department (No. 16, forwarded from Monrovia on the 1st of December, 1856,) I sailed on a short cruise down the coast, keeping the shore well in view for the whole distance, and anchoring at Cape Palmas, Elmina, Cape Coast, Accra, and Quitta, in the Bight of Benin. During the whole cruise, although many vessels were boarded at different places, nothing whatever was seen to excite our suspicions. Upon leaving Quitta I directed my course to Monrovia, where I arrived on the 5th of January, and, leaving there on the 13th, arrived at this place on the 25th of the same month. * * * *

Upon our arrival here we found the United States ship St. Louis. She left this place on the 11th of August, 1856, stopped at Cape Palmas agency, Great and Little Popo, Whydah, Porto Novo, and Badagry, on the north coast, Prince's island, and Little Fish bay, Elephant bay, Benguela, St. Paul de Loando, and the Congo river, on the south, visiting particularly the points indicated in your communication of December 11, 1855, and arrived here on the 6th of January, calling at Monrovia on the way. Commander Livingston reports having boarded a number of vessels, and having met with nothing suspicious; he also states that the opinions of the officers of the British cruisers at the Congo, as expressed to him, were that our

vessels at that place appeared to be engaged in legal trade alone. The accompanying papers were handed me soon after we arrived, by Commander Livingston, and no opportunity, until the present, having offered for their transmission will explain the reason for their not being sooner forwarded. Upon his arrival at Benguela he heard of the detention of the American schooner "Flying Eagle," at Loando, in consequence of suspicions having been excited as regarded her character, she having brought out a large quantity of gold to several resident merchants on that part of the coast. That money is now in the treasury at Benguela, awaiting the decision of the judicial authorities. Upon his arrival at Loando Commander Livingston had interviews with Sir George Jackson, her Britannic Majesty's commissioner, (a copy of a letter from whom is herewith transmitted,) and through him most of the facts in regard to the case were obtained. It would appear from the letters and papers upon the subject, brought out by the "Flying Eagle," which were seized in consequence of the suspicions excited in regard to her character, that the slave trade has been carried on, to some extent, by an organized company, many of the members of which are residents of New York and Havana. The names will be found in the enclosed copy of an account current, in the Portuguese language. The circumstances of the case are as follows: On the 31st of December, 1855, the brig P. Soulé shipped 479 slaves (called volumes) from Lucira, a small port between Benguela and Fish bay. She landed them in Havana in February, 1856, receiving for them $85,000; 48 persons were engaged in the profits, whose residences are given, and the money remitted by the Flying Eagle was to pay the shares of those owners residing on this coast. As I have hereinbefore stated, it was in consequence of this money being on board that the Flying Eagle was detained, and these important facts consequently obtained from the papers brought by her. She sailed for New York on the 4th of November last. It appears, as far as I can learn, that in the majority of cases in which our flag is used in this traffic, that it is by vessels sailing from the port of New York, owned by Portuguese and other foreigners, who obtain the right to carry it by a short residence in our country, and that in most, if not all cases, said vessels are manned, not by Americans, but by foreigners. * * *

I am, very respectfully, your obedient servant,

THOMAS CRABBE,
Commanding U. S Naval Forces, Coast of Africa.

Hon. J. C. DOBBIN,
Secretary of the Navy, Washington, D. C.

No. 5.

UNITED STATES SHIP DALE,
Loango bay, September 23, 1857.

SIR: In obedience to the orders of Flag-officer Conover of the 17th *ultimo*, I sailed from Porto Grande on the 18th ultimo, and anchored

off Red Point, the eastern bank of the Congo river, on the afternoon of the 14th; at 10 a. m., on the 15th, I discovered a sail and gave chase; she proved to be the American whaler "Louisa Sears," of Edgartown. On the afternoon of the 15th I anchored off Black Point bay. On the morning of the 16th I was boarded by a boat from the English steamer "Electra," and was informed that an American bark was in the neighborhood expecting a load of slaves from a barracoon at Black Point. I stood off the coast, as I was satisfied the bark would not approach the coast while I was near it, and was prevented, on account of calm and current, from reaching the anchorage off Black Point again. On the 19th instant I proceeded to Loango bay and anchored; on the 20th discovered a bark with French colors off Black Point. I stood out and boarded her; she proved to be the French bark "Clara," with an officer of the French navy on board, to give her a national character. Her object was the purchase of slaves for the French colonies in the West Indies, and carrying out a contract made by the French government some six months ago, with a M. Régis, of Marseilles, which contract bound M. Régis to furnish the French government with 20,000 apprentices or slaves within three years from its date. I was informed by the officer, who visited me afterwards, that there was a French steamer, under the same contract, prepared to carry 800, and was lying in the Congo for the purchase of them. The French government steamer "Dielmath" anchored in the port on the 22d instant, the commander confirming the statement I received from the officer aboard the "Clara." I also received from those officers information that there were four vessels under the same contract, each large enough to accommodate 600 slaves, to the north of us. It was supposed that they would principally engage apprentices about Sierra Leone. From the same source I learn that the French squadron consists of one steam frigate, one sailing frigate of 52 guns, four steamers of six 32-pounders each and 220 horse power, and four steamers of 80 horse power, one steam transport, and one sailing transport. Their station extends from the Senegal to Cape Negro. On the Senegal they have seven small steamers for the purpose of towing launches, &c., up the river; seven forts between Fort St. Louis and Medina, 690 miles up the river, and 1,200 white troops, with a number of natives employed by the French government. The object appears to be to unite with the land forces from Algiers. I understand that there are four or five vessels in the neighborhood ready to receive slaves, so soon as this ship is out of the way. In the Congo there are several American vessels, one a very fine clipper from New Orleans, the name of which I could not learn, acknowledging her intention to carry off slaves. She has been visited by foreign vessels, her papers and everything about the vessel are apparently proper for commercial purposes, and such is the character of all the vessels which come to the coast for the purpose of transporting slaves. They make their contracts, go off the coast, and at preconcerted signals approach and receive their slaves, slave decks, and other arrangements for transporting slaves. The American captain then leaves and transfers the vessel to other hands; that there are American vessels, and many of them, engaged in this traffic there can be no doubt; but sailing vessels are totally useless

for the purpose of preventing it. A few steamers, with a crew of seventy or eighty men, and a larger vessel as a nucleus to recruit their crews, is the only means that I can suggest of at all carrying out the orders of the government. I sail this afternoon or to-morrow on the cruise between this and St. Paul de Loando, which I expect to reach about the 20th October, and find Flag-officer Conover. I cannot impress too strongly upon the government the inability of the present squadron of sailing vessels to carry out their views, and urge the employment of steamers for the purpose. I have the pleasure to state that the officers and crew are in good health. It may be proper to state that in the absence of the flag-officer I feel authorized to communicate directly with the department in compliance with his general instructions.

I remain, sir, respectfully, &c.,

WM. McBLAIR,
Commander.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington.

No. 6.

No. 11.] UNITED STATES FLAG-SHIP "CUMBERLAND,"
St. Paul de Loando, October 13, 1857.

SIR: I have the honor to report my arrival at this port on the evening of the 10th instant. I was disappointed in not finding here the United States ship "Dale." By the report of Commander McBlair, a copy of which I enclose, I learn that he left here only the day before, having received information with regard to American vessels lying in the Congo river, supposed to be engaged in the slave trade, which induced him to leave immediately for that place without waiting my arrival. I enclose also a copy of a paper furnished Commander McBlair by Commodore Wise, of her Britannic Majesty's service, containing certain information with regard to slavers and their *modus operandi*, together with a list of vessels captured by her Britannic Majesty's cruisers during the last three months. I addressed a communication this morning to the Hon. Edmund Gabriel, British commissioner resident at St. Paul de Loando, asking for information of the circumstances under which vessels purporting to be American had been boarded and seized by British cruisers. Any information which I may obtain upon this subject I will forward to the department by a vessel which expects to leave this port for the United States in about two weeks. The slave trade appears to be carried on at present to an unusual extent, and, from what I can learn, is centered at and near the mouth of the Congo river. I shall supply the United States ship "Dale" with four months' provisions from the flag-ship, and shall order her to cruise principally along the southern coast. I purpose myself to proceed from here to the mouth of the Congo river, and then cruise to the northward, touching at the prin-

slave marts, hoping to be at Porto Praya in all December. I this opportunity of submitting to the department my experience e absolute inefficiency of this squadron, composed, as it is, en- of sailing vessels, for any effectual suppression of the slave . I also call the attention of the department to the legalized c in native Africans, which is at present being carried on in the of the French government, information of which is contained mmander McBlair's communication to the department, bearing September 23, 1857, the substance of which is embraced in the sed report to me. * * * * *

ave the honor to be, respectfully, your obedient servant,

T. A. CONOVER,
Flag-Officer and Commander-in-chief
U. S. Naval Forces, Coast of Africa.

n. ISAAC TOUCEY,
Secretary of the Navy.

UNITED STATES SHIP DALE,
St. Paul de Loando, October 9, 1857.

: I have the honor to report that in obedience to a duplicate of your orders of July 19, 1857, received August 11th, I sailed e morning of August 18th from Porto Grande. On September made the island of St. Thomas, and showed my colors off St. a de Chaves, without communicating. On the 7th I made Cape Lo- and on the 14th I anchored off Red Point, the northern bank of the h of the Congo, having made the coast repeatedly since leaving Lopez, without meeting with any strange sail save a war steamer, which we did not exchange colors. On September 15th, whilst nchor, I discovered a sail five miles to leeward of us, under the . Gave chase and boarded her. She proved to be the American er "Louisa Sears," of Edgartown. Whilst in chase several sail discovered to windward, and I was spoken also by the English steamer "Trident." Found it impossible to overhaul the vessels ndward. The "Trident" found no difficulty in examining every- in sight, which fully satisfied me of the inefficiency of the small ber of sailing vessels composing our squadron, to carry out the s of the government and blockade a coast four hundred miles in t, on which no doubt there are many vessels engaged in the slave . On September 15th I anchored off Black Point bay. On the I was boarded by a boat from the English steamer "Electra," h reported having captured, twelve miles north of Kabenda, Au- 28th, the schooner "Eliza Jane," of about 250 tons, (English ure,) with a slave deck, no papers and no flag, supposed to be of rican build; and also on September 2d, in Kabenda bay, a bark etween 300 and 400 tons, with no papers, and no one on board; e unknown. The officer mentioned having seen, about a week e, a suspicious vessel with the American flag, off Black Point. was a bark of 500 tons, black, with a fiddlehead. I stood out to

sea, and on account of calm and current was not able to reach the anchorage off Black Point again until the morning of the 18th. On the 19th stood round the point and anchored in Loango bay, and commenced taking in a supply of wood and water. On the 20th I discovered a bark off Black Point. Stood for her and boarded her. She proved to be the French bark "Clara," with an officer of the French navy on board, to give her a national character. Her object was the purchase of slaves and the carrying out a contract made by the French government some six months ago with a M. Régis of Marseilles, which contract bound M Régis to furnish the French government with 20,000 apprentices or slaves within three years from its date. I was informed by the officer, who visited me afterwards, that there was a French steamer, under the same contract, prepared to carry eight hundred, now lying in the Congo for the purchase of them. The French government steamer "Dielmath" anchored in Loango bay September 22d, the commander confirming the statement I received from the officer aboard the "Clara." I also received from these officers information that there were four vessels under the same contract, each large enough to accommodate six hundred slaves, to the north of us. It was supposed that they would principally engage apprentices about Sierra Leone. From the same source I learn that the French squadron consists of one steam frigate, one sailing frigate of fifty-two guns, four steamers of six 32-pounders each and 220 horse power, four steamers of 80 horse power, one steam transport and one sailing transport. Their station extends from Senegal to Cape Negro. In Loango bay I examined the papers of the French brig "Merle," of Havre, engaged in trading with the natives. From the degraded condition of the natives on the coast I cannot but believe that this action of the French government will result in their benefit. On the 23d, finding no reappearance of the suspected American vessel, I sailed, remaining off the coast until the 26th. The scurvy making its appearance among the crew, whom I had not been able to furnish with fresh provisions since leaving Maderia, on June 17th, I determined for that purpose to steer for Ambriz. Two American vessels are reported in the Congo, one a fine clipper ship from New Orleans. On September 28th made Point Padron, off which I discovered a sail at anchor. Stood in and anchored and examined her papers. She proved to be the American whaling barque "Mauked and Thomas," of Mattapoisett. From the captain I derived no information. At daylight next morning discovered a sail, stood for her and discovered her to be the American whaling bark "Dr. Franklin," in want of medical assistance. Sent the assistant surgeon on board, and on his return supplied her with medicine. Beat along the coast and made Ambriz in the afternoon of the 1st instant. Finding we could not reach the anchorage before dark, I continued south, and anchored here on the morning of the 3d instant. I was visited before I anchored by Commodore Wise, of the English navy, who was about to get under weigh in the steamer "Vesuvius," his flag-ship, and was anxious to read me a paper, of which, at my request, he very politely furnished me with a copy, a duplicate of which I send you. On the 7th instant, at the request of the British commissioner, I had an interview with him, and deeming

important that a vessel should be in the vicinity of the Congo, I ave determined to sail as soon as I can receive my supply of wood id water, and I think it probable that if I find an English steamer f the Congo, I will take advantage of her to tow my boats up thirty iles for the purpose of examining several suspicious vessels there, aring the American flag. My intention is to start the boats early the morning, so that they may be aboard again by night. Should not hear from you I shall return here about November 5th, when y provisions will be reduced to about five weeks supply. The crew ve been very much benefitted by the supply of fresh provisions. etween this and Cape de Verd the British squadron consists of eleven eamers and two sailing brigs. The admiral has applied for an in-ease of force. Sailing vessels are very inefficient. Those engaged the slave trade have runners ashore and boats afloat, which watch ery vessel-of-war and give information long before the sailing vessel n reach any suspicious vessel. The English steamer Myrmidon s just arrived, and reports the capture within a week of a vessel of 0 tons, with neither papers nor flag, supposed to be American; and so, within a day or two, she examined a suspicious looking vessel lled the "Bremen," bearing the American flag, off Decirt. The eamer is to meet the commodore off the Congo on the 11th instant. I ave consequently determined to sail this afternoom. I enclose the opy of a despatch which I forwarded to the honorable Secretary of he Navy from Loango bay *via* Fernando Pó.

I remain, sir, respectfully, &c.,

WM. McBLAIR,
Commander.

Flag-Officer T. A. CONOVER,
Commander-in-chief, United States naval forces, coast of Africa.

Information regarding slavers received from the master of the "Jupiter," captured by her Majesty's ship "Antelope."

When an expedition to Africa is arranged in Havana one of the principal slaveholders, or an accredited agent, provided with funds, goes to New Orleans and places himself in communication with Messrs. Goldenbroo & Lesparte, 75 Camp street, New Orleans, who are in all cases the agents for vessels fitting for the slave trade. They choose a master, and for this a naturalized citizen is always preferred to a native-born American. The master selects a vessel, and being provided with money by the agent or owner, buys her, and registers her in his own name as master and sole owner. The vessel is then fitted out with the assistance of the firm above named. About twenty-five or thirty water casks will be filled; the remainder will contain the rice, farina, and beans. A number of small breakers are also purchased, which, by cutting off both ends, make the slavers' mess tubs. The shipping-master is feed to provide a crew of Spanish or Portuguese, whom he provides with American protections, though one of them answer to the appearance of the men themselves, being

all purchased from men really Americans. These protections are shown with the vessel's papers at the custom-house, and she is cleared as American. The owner or agent goes in the vessel as supercargo. The "Jupiter" sailed from New Orleans as a fore-and-aft schooner, carrying her yards on deck. Her owner, Don Gabriel Percy, was on board as supercargo. Her orders were to touch nowhere but at Teneriffe and at Annobon. At Teneriffe she received her slave coppers, entered three more Spaniards, altered her rig, and bent a new suit of sails. The manifest with which she cleared from New Orleans was for 25 water casks, 4,500 feet of lumber, and 25 barrels of whiskey. From Teneriffe she proceeded to Atakos, a few miles west of Cape St. Paul's. On hoisting a white flag at the fore, a canoe came at once to them, and the owner sent on shore a letter, saying, "twenty-five days from to-day I will return to this place for my orders." This letter was conveyed by lagoon to Whydah. She then went to Annobon, where they shifted the rice and beans from the water casks into bags, laid the slave deck, and filled up with water On the twenty-fifth day they returned to Atakos. and on hoisting the white flag a canoe brought them a letter, telling them, "eight days from to-day the steamers are ordered to rendezvous at Lagos, and your cargo will be ready on that day a little below Great Popo, where you will see a Buenos Ayrean ensign hoisted." (They had very correct information, for we ordered to rendezvous at Lagos on the 26th of June, 1857.) The place is called Praya Nova, and has only been lately built expressly for shipping slaves. All the canoes are kept out of sight at the back of a sand embankment. The only resident at Atakos of any note is a man named Reynolds, a native of Accra, supposed to be dealing in palm oil. All the letters brought to the schooner at Atakos, though in Portuguese, were directed in English. Three other vessels were fitting out at New Orleans for the coast, under the same circumstances as the "Jupiter." One, a brig called the "William Clarke," captured by her Majesty's ship "Firefly" in August, (see accompanying list,) owned by a very large and wealthy firm in Havana, was stopped by the custom-house, but it was confidently expected that she would be released. Her orders and destination were the same as the "Jupiter's." She had as nominal master and owner a man named Francis Ranger, a native of Nova Scotia, but a naturalized American, a man who had never been at sea. Her crew were all Spaniards, and the vessel was actually commanded by the Spanish supercargo. A bark called the "Splendid," master named Rich, sailed a day or two before the "Jupiter," with the same orders and for the same destination, but had not arrived at Teneriffe when the "Jupiter" left. Both the "William Clarke" and the "Splendid" were to bring money to pay for their slaves. A brigantine was also being fitted out by a Portuguese firm, her destination being the Bight of Benin, but he did not know her name. We were informed by Mr. Lippell, Sardinian consul at St. Thomas, that an American brig, called the "Nancy," fully equipped for the slave trade, had completed her water at St. Anna de Chaves, and sailed for the south coast a day or two before our arrival. All the vessels above named were to land their slaves at Porto Praya keys, on the south side of Cuba,

at which place, after hoisting the white flag, a pilot takes the vessel into the harbor, which is land-locked, and where they are out of sight.

JOHN W. PIKE,
Lieutenant commanding her Majesty's ship "Antelope."

List of vessels captured during the preceeding three months.

"Jupiter" captured by her Majesty's steamer "Antelope," with 70 slaves on board; flag and papers destroyed by her master in July last off Praya Novo, in the Bight of Benin. "Onward," of Boston, captured by her Majesty's steamer "Alecto" in September off the Congo or Kabenda, her master having destroyed her flag and papers. "William Clarke," brig, of New Orleans, captured by her Majesty's steamer "Firefly" in August off Great Popo, in the Bight of Benin. Her master confessed that she was engaged in the slave trade, and threw her colors and papers overboard. "Charles," of Boston, without any colors or papers, about 1,000 tons, capable of carrying between 1,000 and 1,200 slaves, ran on the beach at Snake's Head, 35 miles south of the Congo, when chased by the boats of her Majesty's steamer "Sappho," of the remainder a portion escaped, about 200 were drowned. "Abbot Devereux," schooner of about 113 tons, captured by her Majesty's steamer "Teazel"—papers and flag voluntarily destroyed by her master—350 slaves on board, between Badagry and Logos, on the 1st of August, 1857.

Also several vessels under the Portuguese and Spanish flags, in addition to the above who sailed under American colors, proving, on examination, to have been fraudulently assumed.

No. 7.

No. 12.] UNITED STATES FLAG-SHIP CUMBERLAND,
St. Paul de Loando, October 19, 1857.

SIR: I had the honor to address a communication to the department from this place on the 13th instant, which I forwarded by the bark "William Shaiter," of Salem, Massachusetts, (and of which I herewith forward a duplicate copy, No. 11.) I beg leave to submit to the consideration of the department the enclosed copy of a letter I received from her Britannic Majesty's commissioner at this place in answer to a request of mine for detailed information of the circumstances under which certain American vessels (therein named) had been captured by her Britannic Majesty's cruisers. The United States ship Dale arrived here on the morning of the 16th instant. Hearing of my arrival at this place, and desirous to communicate with me, Commander McBlair returned immediately from the River Congo, not having been able to effect the capture of any of the vessels which

were suspected of being engaged in the slave trade. He reported to me the capture on the 10th instant of the brigantine "Bremen," wearing American colors, by Commodore Wise, commanding her Britannic Majesty's steamer "Vesuvius," the circumstances of which capture are minutely detailed in the enclosed copy of the reports of Lieutenants Davidson and Pelot, attached to the United States ship "Dale." The action of Commodore Wise in this seizure appears to be only an instance of the method generally adopted by her Britannic Majesty's cruisers on this coast to secure as prizes slavers wearing American colors, and may serve to explain what before seemed very strange that so many vessels should be reported by the British commander as having been captured without flag or papers.

I accordingly felt it to be my duty, under these circumstances, to enter my protest against the action of Commodore Wise in this capture, which I did in a letter I addressed to the commander-in-chief of her Britannic Majesty's squadron on this coast, a copy of which I herewith respectfully submit for your perusal. I also enclose to you a copy of my latest orders to Commander McBlair, of the United States ship "Dale." I purpose sailing to-morrow morning—my immediate destination being the mouth of the Congo river.

I have the honor to be, respectfully, your obedient servant,

T. A. CONOVER,
Flag-Officer and Commander-in-chief
U. S. Naval Forces, West Coast of Africa.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

LOANDO, *October* 13, 1857.

SIR: I have had the honor to receive your letter, of yesterday's date, informing me that you have been given to understand that several vessels, said to be wearing the flag of the United States, including the "Onward," "Charles," and "William Clarke," have lately been boarded and seized by her Majesty's cruisers on this coast, and requesting me to furnish you with any information in my power relative to the circumstances under which these or any other American vessels have been captured. In reply, I beg to inform you that for many years past I have never known an instance of any vessel under the American flag having been searched or detained by the officers of her Majesty's squadron on this coast, except that of a bark sent to New York for adjudication by her Majesty's sloop "Sappho," in May last, of the particulars of which you will probably be better informed than I am. With regard to the vessels mentioned in your letter, I take leave to add that the case of the "Onward," which was recently detained by her Majesty's steamer "Alecto" without any papers of nationality whatever on board, has formed the subject of an official correspondence between Commodore Hunt and the United States commercial agent at this place. The latter, therefore, will be enabled to furnish you authentically with all the particulars of that vessels cap-

ture, and to that gentleman I would take the liberty of referring you. The "Charles," of Boston, referred to in your letter, is probably the vessel which, after having been twice met by her Majesty's cruisers, waiting an opportunity to ship slaves, and professing to be an American character, was at last detected by her Majesty's sloop "Sappho," a few days since, near Cabeca de Cobra, with the American ensign still flying, and in the act of embarking her human cargo. The captain of the "Charles," on the approach of the "Sappho," bore up and ran his vessel on shore, and he, with all her crew and part of the slaves, escaped. By the most zealous exertions on the part of Captain Moresby, however, three hundred and fifty-eight slaves were rescued from this vessel, a great number having unhappily perished in their attempt to reach the shore. Of the circumstances attending the capture of a vessel called the "William Clarke" I am entirely ignorant. The latest capture made by her Majesty's squadron on this coast of which I have received any information is that of a brig, without colors or papers, taken on the 3d instant by her Majesty's steamer "Myrmidon" off Cabeca de Cobra, the master of which declared that he had fitted out at New York with all the necessary appurtenances for a slave voyage, and that, although closely watched by a vessel belonging to the United States government, he had succeeded in getting all his water on board and sailing direct for this coast. On the "Myrmidon" coming up with this vessel, an American ensign was seen floating astern; and it is presumed the ship's papers had also been thrown overboard, as none of any description whatever were found on board of her when visited by her Majesty's steamer.

I take this opportunity of acquainting you, sir, that vessels protected by the flag of America in great numbers still continue the slave trade on this part of the coast. I have recently received information of the following vessels, strongly suspected of being engaged in that atrocious traffic, having been met in or about the river Congo: the bark "Petrel," the bark "Clara B. Williams," the schooner "Crimson," the schooner "Lewis McLain," the schooner "Windward," the brig "Bremen," and the brig "Jamestown."

I had the pleasure, a few days since, of communicating personally with Captain McBlair, of the United States corvette "Dale," under your orders. I pointed out to that officer that the river Congo is, and has been for some time past, the great haunt of these vessels, and he immediately proceeded thither, in the hope of capturing some of them, or frustrating the intentions of any which may be engaged in the slave trade, contrary to the laws of the United States. I have not heard of the "Dale's" movements since her departure from this place on the 9th instant, but I sincerely hope she may be successful in the object which her commander has in view.

I beg to assure you, sir, that your arrival in these seas is to me a matter of sincere gratification. It augurs favorably for the ultimate success of the efforts which our respective governments have so long made for the suppression of the slave trade, which I am grieved to say has lately, by the abuse of the American flag, arrived at as great or even greater height than ever in this quarter. Confident that the government of the United States will never permit its flag to be the

means of protecting a traffic which it has so long since declared its abhorrence of, I most earnestly hope that you may now be enabled to take such measures as will prevent that honored flag from longer sheltering the operations of the slave-dealers on this coast. In conclusion, it only remains for me to assure you of the great satisfaction which it will at all times afford me to act in cordial concert with you in whatever may have for its object the furtherance of the enlightened and humane views of our respective governments.

I have the honor to be, with high consideration and respect, sir, your obedient, humble servant,

EDM. GABRIEL.

Commodore CONOVER,
Commander-in-chief United States Naval Forces, &c.,
West Coast of Africa.

UNITED STATES FLAG-SHIP CUMBERLAND,
St. Paul de Loando, October 19, 1857.

SIR: I beg leave to call your particular attention to the enclosed reports of Lieutenant Davidson and Pelot, of the United States navy, to Commander McBlair, commanding the United States sloop-of-war "Dale," under my orders relative to the capture of the American brigantine "Bremen" by Commodore Wise, commanding her Britannic Majesty's steamer Vesuvius, on the 10th instant. While I am extremely anxious to preserve the most friendly good feeling in the intercourse between the squadron of our respective governments on this coast, I feel it to be my imperative duty, under the circumstances detailed in the enclosed reports, to remonstrate and protest most strongly against the action of Commodore Wise in the seizure of the Bremen, as being an interference with the rights of Americans, to take and bring to merited punishment those who, while they wear the flag of the United States, offend against its laws, as being further in violation of the express treaty stipulations of the two governments to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the slave trade; and, finally, as being in direct opposition to the often-expressed declaration of my government, that the American flag shall protect American property from all intrusion and interference on the part of foreign cruisers, whether it be by threats, menaces, or any other undue influence whatsoever.

I have the honor to be, with great respect, your obedient servant,

T. A. CONOVER,
Commander-in-chief United States Naval forces,
West Coast of Africa.

Rear Admiral Hon. Sir F. W. GREY, *K. C. B.*,
Commander-in-chief of H. B. Majesty's Naval Forces,
Cape of Good Hope and Coast of Africa.

Report of the seizure of the brigantine Bremen by her Britannic Majesty's steamer "Vesuvius," October 10, 1857, *off the river Congo.*

Commodore Wise, in command of her Majesty's steamer "Vesuvius" made the following report to Commander McBlair through me. The "Vesuvius" was on the 10th instant in chase of one or two strange sails that were at the time in sight; the other, a brigantine, had been standing along by the wind, but as soon as she saw the steamer in chase she quietly put her helm up and bore off before the wind under the impression that she was the chase. But this was not the fact, until the commodore, observing her strange manœuvres, changed his course and stood for her, abandoning the other sail. When the "Vesuvius" neared her she hoisted American colors and hove to. Commodore Wise boarded her in person, and having reason to suppose that the vessel was engaged in the slave trade, informed her commander (who appeared to be a Portuguese) that it was his intention to take the vessel, and that he did not wish to see her papers, at the same time giving him his choice whether to be taken under the American flag or otherwise. The captain made some unintelligible expression about being taken as a pirate, and the mate hauled down the colors immediately, the papers were then thrown overboard, and the vessel was seized as a prize without colors or papers. The commodore said that the captain and supercargo were drunk. And was informed by the captain, who gave his name as Smith, that another vessel was in the Congo with a cargo of slaves on board, her commander, I think, named Tom. Forrest. The officers and crew of the vessel, with the exception of her cook, were landed on the nearest part of the coast, and she was sent to Sierra Leone.

Respectfully submitted.

THOMAS P. PELOT,
Lieutenant United States Navy.

UNITED STATES SLOOP-OF-WAR DALE,
Off "Snake's Head," west coast of Africa, October 12, 1857.

SIR: In obedience to your order of this morning I called on Commodore Wise, on board her Majesty's steamer "Vesuvius," to ascertain clearly the circumstances regarding his seizure of the brig "Bremen" about this locality on the 10th instant. The statement of Commodore Wise was to this effect:

That he, Commodore Wise, boarded the "Bremen" in person, and informed the captain of her that he, Commodore Wise, had undoubted information that the said "Bremen" was a slaver and her papers not correct, which was a violation of the American flag she was then under. After some hesitation on the part of the captain of the "Bremen," he determined to throw his flag and papers overboard, which he did, with weights attached to them, remarking at the same time that he would rather be taken by the English than fall into the hands

of the "Dale," in which latter case he should be hung as a pirate. I then stated to Commodore Wise that the point in question, and upon which Commander McBlair desired to be fully satisfied, was whether he, Commodore Wise, used language, or other means, to intimidate the captain of the "Bremen," and influence him in hauling down his colors against his will. To this Commodore Wise replied "Oh! no, sir; no, sir." Commodore Wise also stated that there was no doubt whatever that the papers of the "Bremen" were fraudulent, and prepared for the occasion by any but the proper authorities; that they consisted of several different pieces stuck together with sealingwax, and that the captain of the "Bremen" himself acknowledged his papers were not genuine, and also expressed great surprise that the captain of her Majesty's steamer "Myrmidon," who boarded him a short time before, had not perceived that the "Bremen's" papers were worthless, and immediately taken him as a prize. Finally, I asked Commodore Wise that, in the event of his meeting with an American slaver under American colors, and bearing genuine papers, (which of course she would have obtained when she cleared for other purposes than slaving,) if he would use means to induce the captain to throw his colors and papers overboard. He replied, Well I might stretch a point, and tell the captain the "Dale" was just near us here. This reply satisfied me, and regarding the method which her Majesty's officers on this coast adopt to seize American slavers, as the latter would never choose the other alternative of being taken to an American man-of-war, sent to the United States and tried for their lives.

The above being respectfully submitted, I am, sir, your most obedient servant,

HUNTER DAVIDSON,
Lieutenant United States Navy.

Commander WM. MCBLAIR, *United States Navy,*
Commanding United States Ship "Dale."

UNITED STATES FLAG-SHIP CUMBERLAND,
St. Paul de Loando, October 19, 1857.

SIR: The slave trade appears to be centred chiefly at and near the mouth of the Congo river. Your cruising ground for the present will, therefore, be principally between the equator and this place, directing your particular attention to the Congo river and its immediate neighborhood, but visiting constantly the principal slave marts embraced within the above-named limits. You are at liberty to visit Little Fish bay, in 15 degrees south, for the purpose of renovating and preserving the health of your officers and crew, by supplying them with fresh provisions; and if, in your judgment, they require a longer release from the enervating effects of this climate, and the service upon which you are employed will permit, you are at liberty to pay a short visit to the island of St. Helena. I desire that you will embrace every opportunity of making such arrangements as you may find convenient for co-operation with British cruisers, and for cruising in

company with them, that each may be in a condition to assert the rights and prevent abuse of the flag of its own country. You are hereby authorized to make such arrangement with the senior commanding officer of her Britannic Majesty's squadron in this part of the coast for adopting a system of signals between the two squadrons as, in your judgment, may seem to be required; and you will report to me thereon by the earliest opportunity.

I take this opportunity, as directed by the department, of calling your attention to the regulation of the department, dated "May 6, 1839." I enclose extracts from my "private instructions," which will be your guide in your intercourse with foreign vessels, and may be of service to you in the peculiar duties appertaining to the suppression of the slave trade. I desire that you will instruct the purser attached to your vessel in accordance with the direction contained in the extract marked C. If, in the meantime, you be not relieved by another vessel belonging to the squadron, you will continue the above detailed service for so long as your stock of provisions will permit; when they are nearly exhausted, making, of course, due allowances for the cruise to the northward, you will proceed to the Cape de Verde island for supplies, and there await further orders.

I am, sir, respectfully, your obedient servant,

T. A. CONOVER,

Flag-Officer, Commander-in-chief U. S. Naval Forces, West Coast of Africa.

Commander WM. MCBLAIR,

U. S. Navy, Commanding U. S. Ship "Dale."

No. 8.

UNITED STATES SHIP DALE,

St. Helena, December 18, 1857.

SIR: * * * * * * * * One of the peculiarities of the south coast of Africa is the care with which the affairs of the slave trade are concealed from the American cruisers. It seems impossible to elicit information even from those whom we cannot believe to be engaged in the trade, and who *ought to be* desirous to communicate. This secrecy may be attributed to the fact that the immense capital and personal power interested in the slave trade is so ramified in all the legitimate business transactions of the south coast (Congo, Ambriz, St. Paul, St. Philip, &c.) that it is inevitable pecuniary destruction to persons resident here to reveal, or to pretend to know, what is passing daily before their eyes. It is in view of this fact, probably, that the British government keeps a commissioner resident at St. Paul, at a yearly salary, I am informed, of $15,000, who acts with the British squadron on the African coast, and who, by several years' constant residence in the hot-bed of the slave trade, has established avenues of information unknown to the temporary cruiser. With this and other equally costly auxiliaries all along the coast, and elsewhere, the British

squadron are always better informed of events that are transpiring, and of vessels that are even *intended* to be sent out from the United States, than are our American cruisers. In the Congo river, at Punta da Lenha, 20 miles up, there are several trading establishments whose reputations may be taken as an index of the character of the vessels consigned to them. The two American houses are branches of those at St. Paul de Loando, of Silva & Sparrhawk, and Bookhouse & Co., with lines of sailing packets to Boston and to Salem. The English houses are represented by Mr. Peter Marcolie and Mr. Moore. The other two are Portuguese and Spanish slave-traders, the merchant princes of the coast in that line, Mr. Fernandez and Mr. Costa Lima. Vessels leaving the United States for the south coast of Africa, and consigned to neither of the American or English houses above named, may be regarded as suspicious, as it is impossible for a vessel having no established house here to procure a cargo, or to compete with the regularly organized agencies, who themselves, with all their facilities, find it a matter of time. Vessels clearing in the name of, or having any connexion with, Costa Lima or Fernandez, I do not hesitate to denounce as slavers.

I remain, sir, very respectfully,

W. McBLAIR,
Commander, United States Navy.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 9.

No. 16.] UNITED STATES FLAG-SHIP CUMBERLAND,
Porto Praya, January 6, 1858.

SIR: * * * * * * * I regret to report another instance of unwarrantable interference by a British cruiser with a vessel wearing the American flag, in the case of the American ship "Thomas Watson," lately taken into Sierra Leone by her captors, and afterwards restored to her owners. I have ordered Commander Totten, of the "Vincennes," to stop at Sierra Leone, on his way down the coast, to investigate the facts of the case, and to report them in full to the department. On my passage from Monrovia to this place I met with Commodore Wise, the senior officer in command of her Britannic Majesty's squadron on that part of the coast, who assured me that this case had been reported to his government, and that the officer who made the capture would probably be deprived of his command.

* * * * * * * * *

I have the honor to be your obedient servant,

T. A. CONOVER.
Commander-in-chief of African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

No. 10.

NAVY DEPARTMENT, *January* 25, 1858.

SIR: Your despatch No. 12, of date October 19, 1857, has been received, and the attention of the State Department has been called to the circumstances therein referred to of the capture of American vessels on the coast of Africa by her Britannic Majesty's cruisers.

I am, very respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer T. A. CONOVER,
Commanding U. S. Squadron, Coast of Africa.

No. 11.

NAVY DEPARTMENT, *September* 15, 1858.

SIR: Enclosed herewith is a copy of a letter addressed to the Department of State by the British minister at Washington, covering an extract from a report made by her Majesty's consul at St. Iago de Cuba, in relation to a brig under American colors, called the "Juliet," said to be bound for the coast of Africa to be employed in the slave trade; also, copy of a despatch from her Majesty's consul general at Havana to the British secretary of state for foreign affairs, on the subject of certain vessels suspected of being engaged in the slave trade. These papers were transmitted to the department on the 10th and 13th instant, respectively, by the honorable Secretary of State, and are sent to you for your information.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer T. A. CONOVER,
Commanding U. S. African Squadron, Porto Praya.

HER BRITANNIC MAJESTY'S LEGATION,
Washington, September 7, 1858.

MY DEAR SIR: I enclose an extract from a report addressed by the British consul at St. Iago de Cuba to the officer commanding her Majesty's naval forces at Jamaica, containing a description of a certain brig called the "Juliet," under American colors, which has gone to the African coast apparently to embark a slave cargo. I have thought that these indications might be useful to the United States officers cruising on the coast or in the waters of Cuba.

Believe me, yours, very truly,

NAPIER.

Hon. JOHN APPLETON, *&c., &c., &c.*

HAVANA, *July* 22, 1858.

MY LORD: I have the honor of reporting to your lordship that the bark "Lyra," which sailed from this port about ten days ago, under American colors, to be employed in the slave trade, put into Key West, where she has been seized by the collector of the customs as a slaver.

The master is said to have abandoned the Lyra and made his escape, carrying with him the money (said to have been $30,000) put on board here for the purchase of her cargo of negroes.

The brigantine "A. C. Perkins," which was sunk in this harbor under the circumstances described in my last number of this series, has been raised, and is hauled in to the wharf, undergoing investigation by the Spanish authorities in combination with the American pro-consul.

Information having reached the brigadier governor of Havana, Don José Ignacio Echavarria, that the American brig Nancy, of 219 tons, was taking in her equipments, and was about to be despatched to be employed in the slave trade, said vessel was seized in the night, between the 16th and 17th instant, it is said, in the moment of her having part of her slave fittings put on board. The crew found in the vessel have been imprisoned, and the affair is undergoing investigation by the Spanish authorities.

A certain Mr. Gerediaga, who has been extensively engaged in the slave trade at this place for some time past, has also been placed in confinement by these authorities.

Mr. Consul Forbes, of Santiago de Cuba, reports the sailing from that port of the brig Juliet, under American colors, the 25th ultimo, bound for the coast of Africa, to be employed in the slave trade. She took 180 puncheons of water marked Ste. Maria, 150 barrels of biscuits, 50 barrels of pork, and 50 bags of rice, in the way of provisions, but was cleared as having a cargo of sugar and rum for Macao. Mr. N. Consul D. Costa, of date the 7th instant, reports the sailing of the American brig "Rufus Soulé," from Matanzas, to be employed in the slave trade, and this information has been confirmed by the former master of that vessel, a British subject, citizen of the United States, who left her when sold at Mantanzas, and gave me notice of his suspicions upon his arrival here.

The American fore-and-aft rigged schooner "Castor," about 263 tons, arrived at this port a few days ago from New York. She is, I hear, for sale, and being admirably adapted for slave trade, I presume she will be bought and sent to the coast of Africa to supply the place of some of those which have been captured.

I have, &c.,

JOS. T. CRAWFORD,
Consul General in Cuba.

Extract of a letter from her Majesty's consul at St. Iago de Cuba to the senior officer of her Majesty's naval forces at Port Royal, Jamaica.

JUNE 28, 1858.

I have the honor to acquaint you that a black-painted brig called the Juliet, of about 200 tons burden, under American colors, arrived at this port from New York a few weeks ago. The master is an American; and the reported owner or supercargo, whose name is Bautista, is a Portuguese, and who, I am credibly informed, is an old slave-dealer.

The said brig has loaded with sugar and rum, (supposed to be biscuit and water,) and sailed hence on the 25th instant. Her clearance has been kept secret, but it is currently reported here, and I have no doubt in my own mind, that she is bound for the African coast and destined for the slave trade.

No. 12.

No. 31.] UNITED STATES FLAG-SHIP CUMBERLAND,
St. Paul de Loando, September 28, 1858.

SIR: I have the honor to report my arrival at this port on the 17th instant. I found here reports from Lieutenant Commanding F. B. Renshaw, commanding the "Bainbridge." His last report is dated Congo river, August 20. He has encountered a great deal of wet, sickly weather; and scurvy having appeared among his men, many of whom were already weakened by fever, he has been prevented from cruising further south than the Congo river, and was about to sail northward, hoping to procure fresh provisions at Princes island. He reports himself and officers generally in good health. He has visited a large number of vessels in the Bight of Benin, on the north coast, and also south of the line, and reports that he has found no instance of illegal trade, and that he has been informed by the British commanders that there were at present no supicious vessels on the coast. The British cruisers have lately taken but few prizes, and those of but little importance. From these facts, from the experience of Lieutenant Commanding Renshaw, from the information I have obtained at this place, and my own personal observation, I have been led to believe that this temporary lull in the operations of the slave-dealers indicated a considerable and permanent decrease in this unlawful trade. This impression, however, has been somewhat modified by the report of Commander Totten, commanding the "Vincennes," who arrived at this place from Porto Praya on the 25th instant. He reports to me that on the 15th instant, on his way down the coast, he boarded the brig Brothers, of Charleston, South Carolina, captured by Commander Brent, of the "Marion," off Mayumba Point, then in charge of Lieutenant Stone, and bound to Charleston. And he further informs me that when the Brothers parted with the "Marion" that vessel and

the brig Bainbridge were in chase of two vessels suspected of being American slavers. Commander Totten also boarded, on the 19th instant, the slave schooner "Kate Ellen," of Plymouth, a prize to her Britannic Majesty's steamer "Viper," and bound to Sierra Leone. The officer in charge gave a written statement to Commander Totten that the "Kate Ellen" was captured off Kilongo on the 15th instant; that when boarded she was found deserted, with no colors or papers, a slave deck laid, and the name on her stern covered over. All the vessels of this squadron are at present on the coast. The "Vincennes" will be ordered immediately to cruise in the neighborhood of the Congo river, whither I shall shortly follow. The "Marion" and "Bainbridge" are cruising northward along the coast on their way to the Cape de Verde island for supplies, and the "Dale" is in the Bight of Benin. I report with pleasure the officers and crew of this ship in good health.

I have the honor to be, your obedient servant,

T. A. CONOVER,
Commanding United States African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

No. 13.

No. 38.] UNITED STATES FLAG-SHIP CUMBERLAND,
Porto Praya, January 26, 1859.

SIR: * * * * * * * * * * *

I enclose also the reports of Commander McBlair, Commander Missroon, and Commander Brent, respectively, of their late cruises on the coast. That of Commander McBlair contains some important statistics on the subject of American commerce on the west coast of Africa. Accompanying Commander McBlair's report is a letter from Mr. Debaker, agent for R. Brookhouse, esq., of Salem, Massachusetts, containing a list of outrages alleged to have been committed by British cruisers upon American vessels. I have furnished Commander Brent with a copy of this letter, and have directed him to avail himself of every opportunity, during his cruise, of investigating any of the cases to which this letter refers. Many reports have reached me from time to time during my present command of such outrages, but the evidence of them is nearly always so meager and unsatisfactory that it is impossible to take official notice of them, while the cases better authenticated, upon investigation, have been satisfactorily explained by the British officers; the case of the American brig "Marshall," of Boston, referred to in Commander McBlair's report, has, I have been informed, been already submitted to the government. Commander Brent reported to me the case of the American brigantine "St. Andrews," captured in June last by her Britannic Majesty's steamer Viper, and enclosed copies of a correspondence on the subject between himself and Lieutenant Hodgkinson, commanding the Viper, in which Lieutenant Hodgkinson assured him that the "St. Andrews," upon being

boarded, had exhibited no papers whatever, and was therefore a legal prize. There can be no doubt, I think, that many American vessels, sailing from American ports, though generally manned by foreigners, become the prizes of British cruisers upon this coast. But the masters of these captured vessels are nearly always slave-dealers, who, knowing that they carry with them evidences of their guilt, and fearing to be handed over to American cruisers themselves, voluntarily destroy all their evidences of nationality, and thus, though they lose their vessel, secure their liberty; it being the custom of the British commanders to content themselves with their prize, and to avail themselves of the first convenient opportunity of putting the offenders on shore. No better proof of the illegal character of their pursuits can be wanted than their own act of destroying their flag and papers. The reports and complaints of British interference generally come to me through the men belonging to these captured vessels, who have been put on shore by the British commanders, and their lawless character, in the first place, and when questioned, their evasive and contradictory statements necessarily call for great caution in receiving and crediting their stories. How far any undue influence other than the chance thus afforded to the slave-traders to secure their personal liberty is used either directly or indirectly by the British commanders to induce the masters of these vessels to give themselves up as "without flag or papers," it is, therefore, impossible to say. It is quite certain, however, that no such influence can be exerted against any legal trader entitled *bona fide* to wear the flag of the United States. I have also received complaints of depredations committed against American traders by the native population at a place called Settra Kroo, in Liberia. I have directed commander McBlair to ascertain the grounds of these complaints, and to visit the place, if there be any good reason for doing so, with a view to the adjustment of any existing difficulties and the prevention of any such in the future. * * * *

I have the honor to be your obedient servant,

T. A. CONOVER,
Flag-Officer Commanding U. S. African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

UNITED STATES SHIP CUMBERLAND,
Porto Praya, December 8, 1858.

SIR: According to your verbal instructions to me the Cumberland proceeded to sea from this anchorage on the 16th of August last, bound for the south coast of Africa, and arrived at St. Paul de Loando on the 17th September following, having looked in upon the anchorage of the island of Annobon on the way thence. From Loando she proceeded southward to Benguela in 12° 34′ south latitude, where the information was received that trade in slaves had not been carried on from *that* vicinity for several years past. Returning northward, she visited the ports of Lobito, Ambriz, Ambrizette, and the mouth of

the Congo river, having kept the coast from Benguela to the latter named place much of the time in view without meeting vessels of suspicious appearance. While anchored off the Congo a boat expedition was despatched up that river to look for slavers under the American flag. It proceeded up about fifteen miles without seeing vessels of any description whatever within that distance, and a further view of seven or eight miles. The officer in charge of the expedition visited her Britannic Majesty's war steamer Medusa stationed there, with my offer of co-operation with him should slavers be in the river, and received the reply that no vessels whatever were then in the Congo, except the two French (government contract) vessels in view anchored off Pirate's creek. The commander of the Medusa further informed Lieutenant Harrison that the American brig "Charlotte," and another vessel which had theretofore been engaged in illicit trade with that part of the coast, as also the yacht "Wanderer," had recently departed with cargoes of slaves, and that the latter had been pursued by the United States sloop "Vincennes."

On the 7th instant the Cumberland arrived again at this anchorage without accident and in good condition, and she will be in readiness for any service you may please to assign her so soon as her water and provisions shall be replenished.

I am, sir, respectfully, your obedient servant,

J. S. MISSROON,
Commander Commanding U. S. S. Cumberland.

Flag-Officer T. A. CONOVER,
Commander-in-chief U. S. Naval Forces,
West Coast of Africa.

UNITED STATES SHIP DALE,
Porto Praya, January 9, 1859.

SIR: In compliance with your orders of the 16th of August last, I, after performing the duty assigned me in Porto Praya, sailed thence on the 30th of August, and made the land at Garraway on the 13th of September, and anchored at Palmas on the 14th. Finding nothing to detain me there, I sailed, on the 16th, slowly along the coast, and anchored off Little Drewin; at noon, on the 18th, communicated with the natives, and weighed anchor the same afternoon. The wind being very light, and the tide near the shore preventing progress, I stood off fifteen miles, and shaped my course at that distance off the shore for Cape Three Points. On the 22d, at 6 p. m., anchored off Secondee. At 8 a. m., on the 23d, weighed, and at 5 p. m. came to off Elmina. At 5 a. m., on the 30th, sailed from Elmina. Boarded the American bark "Edwin," of Boston, and also the American brig "Marshall," of Boston, traders on the coast. At midnight came to an anchor off Baraco Point. At daylight weighed, and at noon anchored off Accra. Boarded there the American bark "Manchester," of Salem. On the 4th of October, at 3 p. m., weighed, and at sundown, on the 5th, anchored off the Volta. Weighed at daylight on the 6th; anchored,

in consequence of a tornado, at 11 a. m. off Cape St. Paul On the 7th, at 7 a. m., weighed, and at 2 p. m. came to off Gillacoffee. Boarded there the American brig "Costarello," of Salem. At noon, on the 9th, got under way, and at sundown anchored off Little Popo. At daylight, on the 10th, weighed, and at 10 a. m. came to off Abgwey. Boarded there the American bark "E. A. Chase," of New York. At 11 a. m., on the 11th, weighed, and at sundown came to off Whydah. At noon, on the 13th, got under way, and boarded the American brig "Marshal Ney," of Warren. At sundown came to off Appi. At daylight, on the 14th, got under way, and at 2 p. m. came to off Budagry. At sundown sailed, and, on the 15th, left the Bight of Benin. At 7 p. m., on the 23d, came to in West bay, Princes island. Supplied the ship with water, and, at 3 p. m., 27th of October, sailed. On the 7th of November, at sundown, passed close to Annobon, and, on the 17th, made the land near Kabenda. On the 20th, at 7 a. m., made the land off Cape Padron, and anchored at sundown off Snake's Head. On the 23d made the land near Ambriz. On the 24th, at 10 p. m., anchored in Bango bay. On the 25th, at daylight, stood in and anchored off Loando. On the 30th got under way, and stood along the coast to the northward, looking in at Ambriz, Ambrizette, Snake's Head, &c. On the 2d anchored off Cape Padron. On the 3d anchored off Shark's Point. On the 4th got under way, and stood across the Congo, anchoring off Kabenda on the 5th. On the 6th anchored off Black Point. On the 7th looked in at Loango. On the 10th lost sight of Holy Ghost Hills, and made my way for this port. My particular attention, in your last communication, was directed to the brigantine "Marshall" and schooner "Hanover" as suspicious vessels. The brig "Marshall," Captain Ayres, while at anchor in the waters of Dutch Accra last April, was boarded from her Britannic Majesty's steamer "Vesuvius," and the captain was told that, when he left Accra, his vessel would be seized as a prize, in consequence of her register stating that she was of Providence, Rhode Island, whilst on her stern was painted "Marshall," of Boston. Captain Ayres remained at anchor while the steamer was at Accra, and then deemed it advisable to send his vessel to the United States for the purpose of having the name of the port on her stern changed to that of her register; his voyage was broken up, and his owners suffered great loss. When I boarded her, as mentioned above, she had returned to the coast from the United States, and had nothing to indicate suspicion. Captain Ayres is an old trader on the coast, and known by all the authorities on it. How far Commodore Wise can justify such proceeding, and whether the law requiring the name of the port on the stern is of municipal character or the law of nations, is for you to determine. The schooner "Hanover" was not on the coast; she had arrived in the United States with a load of palm oil. I refer you to the annexed copy of Mr. Debaker's letter for the statement of the seizure of the American schooner "Lydia Gibbs," and other general information. I do not believe that there is a slaver to be found in the Bight of Benin. Slaves are there held at too high a price, and the numerous English steamers, ever on the alert for prize-money, are too difficult to evade. So long as the English government

permit their officers to liberate the masters and crew of vessels captured as slavers, after destroying their flag and papers, and thus make away with all evidence of their national character, and so long as they stimulate their officers with prize-money for these captures, we may expect frequent and unauthorized violations of our flag. Our squadron, being composed of sailing vessels, can only by accident meet with vessels engaged in the slave trade. The British squadron, being of steamers, has every opportunity of intercepting them; and I candidly believe that the British cruisers use the United States squadron as a scarecrow. Your communication to Rear Admiral Grey was forwarded through Captain Courtney, of her Britannic Majesty's steamer "Conflict" I think it my duty to mention the great hospitality with which we were received at Elmina by the governor and officers. When I landed, upon my first visit, I was met by an aid to conduct me to the castle, and saluted with eleven guns. The American flag was kept flying all that day, and hoisted whenever I afterwards visited the shore; rooms were prepared for me in the castle, and the officers and myself made guests during our stay there. The governor wishing to visit Accra, I had the pleasure of his company as my guest. The trade on the west coast of Africa, if the information that I have derived from a respectable source can be relied upon, is much more extensive than I had imagined. The export of palm oil is said to amount to upwards of $30,000,000 annully, and the trade is principally monopolized by the Americans, English, and French, the entire extent of that of Holland not exceeding $200,000 per annum; Brazil, about $400,000; Sardinia, $300,000; England, $18,000,000; France, $3,000,000; and the United States from $4,000,000 to $5,000,000. Hamburg, Bremen, Spain, and Portugal, will fill up the residue. The chief articles of trade from the United States are rum, gunpowder, tobacco, and manufactured cotton goods and provisions in no small quantity. The English have an advantage over us in their cloths; they furnish them cheaper and with better dyes. The patterns from America are not such as the natives are used to, and a difficulty is found in disposing of them to the interior tribes. It is said that there are £3,000,000 to £4,000,000 sterling of Manchaster goods consumed annually on the west coast of Africa. On reaching Loando my bread was nearly exhausted, and there being none in the market for sale, I employed three bakers ashore. The quantity, however, daily supplied was too small to authorize my remaining long enough in port to get more than a sufficiency for twelve days' issue. I therefore directed the purchase of flour, and since then have been furnishing my crew with fresh bread, baked daily in our galley, at an increased daily expenditure of but eighteen sticks of wood. I am satisfied that, with some slight improvement in the construction of the galley, our crews could be supplied with fresh bread, and the government saved the great loss, so often experienced in this article, from the effects of the climate. The duty assigned me, and the time named for my return to Porto Praya, rendered your permission to visit Fish bay unavailable. I annex a copy of a letter from Purser John S. Cunningham concerning the

capture of the American schooner "Angeline," and have now the honor to report my arrival here this morning.

Very respectfully, &c.,

W. McBLAIR,
Commander.

Flag-Officer T. A. CONOVER,
Comd'g United States Naval Forces, Africa.

UNITED STATES SHIP MARION,
Porto Praya, October 8, 1858.

SIR: I have the honor to submit the following account of my proceedings with this ship, under my command, in execution of your instructions of the 19th of January, and since my communication, dated May 7, addressed to you at Madeira, and of which I left a duplicate at Porto Praya. I sailed from the latter port on the 8th of May, and on the 20th arrived at Monrovia, where I obtained the complement of Kroomen and a supply of wood and water. On the 27th I left Monrovia, and on the 2d of June was off Cape Palmas, after a passage protracted by head winds, attended with frequent squalls and almost continual rain. I merely hove to, or stood off and on, in order to land, at Cavally, the Right Rev. Bishop Payne and the Rev. Mr. Williams, to whom, at their request, I had afforded a passage from Monrovia. I intended to make a direct course to Cape Three Points, but was compelled by the prevailing southerly winds to keep close in with or generally in view of the intermediate coast. On June 8 anchored off Cape Coast Castle, which I left on the following day, after exchanging salutes of twenty-one guns with the castle. On the 11th made the land about Little Popo, in the Bight of Benin; and on the 12th spoke her Britannic Majesty's steamer "Sharpshooter." I proceeded to leeward along the coast, keeping as near in as was prudent, in order to observe it more minutely, and boarded or spoke vessels at the different anchorages till the 14th, when I arrived at Lagos. Seventeen vessels were lying there, but among them no American.

Information received at Lagos of the capture, by a British cruiser, of a vessel ostensibly American, at Whydah, induced me to return to windward for that place, where I arrived on the 17th, and found at anchor her Britannic Majesty's steamer "Triton," the American bark "Warren White," and two French merchantmen. Lieutenant Burton, commanding the "Triton," confirmed the information obtained at Lagos, and said that the commanding officer in the Bight, who was daily expected, would give me the particulars of the capture. He arrived on the next evening in her Britannic Majesty's steamer "Hecla." Commander Apling said he was glad of the opportunity to give me the desired information, and stated, in substance, that the schooner "Lydia Gibbs" was captured on the 27th of May, after dark, by her Britannic Majesty's steamer "Trident," just after the schooner had got under way from Whydah. She had American colors flying when boarded, and the master at first showed papers purporting to be

American; but subsequently, when they were again demanded, said that he had no papers. She was engaged in laying a slave deck. Commander Apling disclaimed all right or pretension on the part of her Britannic Majesty's cruisers, under any circumstances, of interfering with vessels entitled to the flag of the United States. The information received from the American bark "Warren White," which was at Whydah at the time, substantially coincided with the statement of Commander Apling; and it appeared, moreover, that the "Lydia Gibbs" had proceeded from Charleston, South Carolina, to Havana, whence she came to this coast; and, when captured, was on her way to Popo for a cargo of slaves, which had been engaged and was awaiting her arrival. On the 19th of June I left Whydah for Quitta, where, I was informed by Commander Apling, there was an American vessel in distress. On the 21st, in approaching that place, I discovered an American brigantine at anchor, showing her ensign, union down; she proved to be the "Henry," of New York; and her master, who came on board, requested me in writing to order a survey on board the vessel and an investigation of charges preferred by him against his chief mate. I complied with his request, and the result will appear by the accompanying papers and report. I supplied him with the articles recommended by the board of survey, and had his windless repaired. An arrangement, mutually satisfactory, was effected between him and the mate without having to resort to extreme measures, and I trust there will be no further difficulty. This affair being concluded, on the 23d I got under way from Quitta, and, for the purpose of procuring fresh provisions for the crew, proceeded to Gillicoffee, a place about four miles to windward, not laid down upon the charts. I anchored only long enough to receive on board the provisions previously ordered, and again got under way. During my short detention I received a visit from the lieutenant commanding her Britannic Majesty's steamer "Sharpshooter." On the 26th of June I arrived at Princes island and remained until the 3d of July, having obtained a supply of wood and water, with fresh provisions, for daily consumption. On the 6th of July, being for several days without observations, I found that the ship had been set by the current about one hundred miles to the northward, and was then off the mouth of the Gaboon river. Thence, in getting to the southward, I had to work to windward along the coast, anchoring generally at night, not to lose ground with the current, till the morning of the 9th, when I succeeded in weathering Cape Lopez. With constant head winds, mostly very light, and frequent calms, I made but slow progress—the current always setting to the nothward or northward and westward on an average of at least a mile an hour. To escape the drift, in light winds or calms, I came to almost every night, generally with the stream anchor.

On the 19th boarded the American whaling bark "San Francisco," at anchor off Cape Gumbo or Mayimebu, and on the same evening anchored in the bay of that name. On the 27th showed our colors to a British war steamer bearing a commodore's broad pendant, which I saluted with 13 guns, receiving 15 in return (if our count was correct.) On the next evening anchored in Loango bay, where I found her Britannic Majesty's steamer "Vesusius," bearing the broad pendant of

Commodore Wise, which I had saluted, two other war steamers and her Britannic Majesty's brig "Heron;" a boat from the flag-ship came promptly alongside, and on the next morning I visited the commodore. He informed me of several recent captures of vessels which at first had shown the American flag, but when captured were without colors or papers. The following is a list of captures of vessels without colors or papers by her Britannic Majesty's brig "Heron," furnished me by the commander of that vessel: The barks "Minnetouka", and "Governor of Paris," and the brig or brigantine "Mary Elizabeth." Leaving Loango on the same day I pursued my course to the southward, and off the river Louisa Loango boarded the American barks "Roanoke" and "Oregon," engaged in whaling. To one, by request, medical assistance was afforded; passed near enough to the river Kacongo to see that there were no vessels in its vicinity, and at night, off Landom, spoke a boat of her Britannic Majesty's steamer "Vesuvius," on a cruise. On the evening of the 1st of August came to anchor at Kabenda, and communicated with Commodore Wise on board her Britannic Majesty's steamer "Vesuvius," the only vessel at the anchorage. Sailed the next morning and on the evening of the 3d anchored under Red Point, where I remained waiting a favorable wind to cross the stream of the Congo; found the current setting to the N.NW. more than two miles an hour. On the afternoon of the 5th, the winds favoring, succeeded in crossing the river, and anchored about 8 p. m. under Cape Padron, on the southern side. The next morning I got under way. Her Britannic Majesty's steamer "Viper" was seen at the anchorage of Shark's Point. I should have continued longer in the neighborhood of the Congo, agreeably to your instructions, but that the passage from Prince's island had been so protracted as to have already brought me beyond the period assigned for meeting you at St. Paul de Loando. Off Cape Padron, in passing, saw two American barks at anchor, but as they were evidently whalers did not conceive it necessary to go out of my way to visit them. On the 7th, off Bahia Fonda, showed our colors to a Portuguese corvette, and on the same day bore down to ascertain the character of a bark, which proved to be an American whaler. On the night of the 11th of August anchored at the entrance of the port of St. Paul de Loando, and on the following morning went in and came-to at the usual anchorage; visits of ceremony and salutes of 21 guns were interchanged. I also communicated with the acting commercial agent of the United States, who, on a subsequent day, was received with the customary salute on visiting the ship. I enclose a copy of correspondence with Lieutenant Hodgkinson, commanding her Britannic Majesty's steamer "Viper," and also of a letter which I addressed to Commodore Wise, senior officer of her Britannic Majesty's squadron on the west coast, together with its accompanying documents. I enclose a copy of the declaration taken before the United States commercial agent by seamen, late of the "Mary Elizabeth," which contradicts the statement of the mate that he had been landed at Black Point instead of Kabenda. The mate afterwards admitted to me that he had misrepresented, and so weak was his attempted explanation, as, with other circumstances, to leave in my mind the conviction that he was totally

unworthy of credit. During my stay at Loando I availed myself of the governor's permission to land the boat's crews on the island and exercise at target firing. A few days previous to my sailing I heard of the arrival at Ambriz of the American bark "Gold Finch," from the United States, having on board the commercial agent, Mr. Willis, returning to his station at Loando. Being entirely out of bread and only able to obtain a few barrels at Loando, I was under the necessity of proceeding towards Porto Praya. Previous to my departure I addressed a short letter to the honorable Secretary of the Navy (of which a copy is enclosed) by the American bark "W. H. Shailer," then about to sail for Salem, Massachusetts. On the 31st of August I sailed from Loando, determined to proceed along the coast and not leave it till some distance north of the Congo. On the 2d September spoke her Britannic Majesty's steam brig Medusa, to the south of Cape Padron, and on the same evening saw three whalers at anchor under the cape; the wind failing towards night I anchored, not deeming it prudent then to attempt crossing the river. The next morning after getting under way I observed the United States ensign displayed at the fore of a British steamer at anchor under Shark's Point, and consequently bore down for her. Previous to reaching the anchorage was boarded by an officer from her Britannic Majesty's steamer "Antelope," bearing a letter dated August 25, 1858, from Commodore Wise, addressed to me, a copy of which is enclosed. Desirous of acting according to your instructions to embrace every opportunity of making such arrangements as I might find convenient for co-operation with British cruisers, I deemed it my duty to accept the liberal offer tendered by Commodore Wise, and on anchoring immediately visited the "Antelope," where I arranged with Lieutenant Commanding Pike to proceed on the next morning in that vessel up the river to the factories at Punta da Linha. The "Venus" and the Ellen, mentioned by Commodore Wise, had already left, but Lieutenant Commanding Pike having informed me that the "E. A. Chase," another suspicious vessel, had passed up subsequently, I thought it my duty to investigate the case. On the morning of the 4th, about daybreak, I embarked in the "Antelope," accompanied by Lieutenant Whiting and Purser Myers, together with a boat and her crew of eight men from the "Marion." On arriving at Punta da Linha I directed Lieutenant Whiting, in our boat, to visit the "E. A. Chase" and afterwards boarded her myself. Upon a strict examination I was satisfied that her papers were correct and that then, at least, she was a legal trader, not liable to seizure. On the next day about 1 p. m. left Punta da Linha in the "Antelope." On arriving at Shark's Point found at anchor near this ship her Britannic Majesty's steamer "Vesuvius," bearing the broad pendant of Commodore Wise. I received a letter from him dated August 30, 1858, a copy of which is enclosed. The obligations under which I felt to Commodore Wise and to the officers of the Antelope for their attention and courtesy towards myself and party, induced me to express my acknowledgements in a letter dated September 6, addressed to Commodore Wise, a copy of which is inclosed together with one of his reply of the same date. On that afternoon I got under way and crossed the Congo. On the 7th fell in

with a French frigate bearing a broad pendant, which I saluted with 13 guns, receiving an equal number in return. On the 8th September, about 8 30 a. m., while standing along the land to the northwest, discovered a sail four points on the lea bow; kept away for her. When first seen she was on the port tack, but went about soon after; at 11 45 a. m., being quite near, I threw a shot across her bows, whereupon she hoisted American colors Both vessels were hove-to and I sent Lieutenant Stone to board her; she proved to be the ketch "Brothers," of Charleston, South Carolina, 70 days from the Havana, for St. Thomas, coast of Africa, (which she did not visit,) and was then on her way to the Congo. Upon the return of the officer, and receiving his report, I went on board myself; I found by the charter-party and bills of lading that she was to stop at St. Thomas for orders, and no mention particularly made of any other port of destination. The register and other papers seemed to be correct; the master, a native of England, showed naturalization papers as a citizen of the United States; the supercargo and mate (who were Spaniards) protections from the captain general of Cuba; and the crew, eight in number, seemed to be Spaniards, except two, who call themselves French. The least wages set down to any individual on board was thirty dollars. The following articles were found on board: 14 tierces rice, 100 barrels bread, 1 box wooden spoons, (about six hundred in number,) 60 pipe shooks, 400 bricks, two boxes containing cooking apparatus, a number of large sponges, a number of water pails, 20 water pipes, a sufficiency of yellow pine scantling and one-inch boards for laying a slave deck, a large quantity of jerked beef, a package said to contain 520 Mexican ounces, besides 7 ounces found in one of the officer's berths; there were also casks of wines and liquors, and a large quantity of medicines. The scantling and boards were not on the bills of lading. Considering the evidence to justify the seizure amply sufficient, I accordingly anchored both vessels for the convenience of making the necessary arrangements. The latitude of the anchorage was 3° 22′ 38″ south, within a mile or two of the land off Gumba or Mayumba bay. I directed Lieutenant Stone to take charge of the prize, proceed in her to Charleston, South Carolina, and deliver her with her crew and cargo into the custody of the marshal of the United States for that district; and also immediately on his arrival to report to the honorable Secretary of the Navy, awaiting his orders as to the disposal of the prize crew. The copy of my letter to the department is enclosed. I addressed a letter to the district attorney of the United States, informing him of the circumstances of the seizure, and enclosing the papers found on board the prize. I directed Midshipman Green to report to Lieutenant Stone for duty on board, together with a crew consisting of one quarter gunner, four ordinary seamen, one landsman and three private marines. Arms and ammunition were supplied and also some wood and water, which were required. I considered it more secure to retain the money on board this ship, and therefore directed the purser to take charge of it and disburse it on account of the United States, giving to Lieutenent Stone a receipt for the amount, 526 ounces. I also directed the purser to receive and receipt for forty-two barrels of bread in the same manner. On the 9th

got under way in company with the prize, but, outsailing her, the next morning she was not in sight. On the 1st instant I arrived at this port, where I found your instructions dated August 12. The general orders which were enclosed were duly executed. The honors to the memory of Commodore Perry had been already rendered by this ship at Norfolk. On the 5th the Bainbridge arrived from Monrovia; Lieutenant Commanding Renshaw, having informed me that he was ordered by the honorable Secretary of the Navy to proceed to Montevideo, referred to me as to the disposition he should make of his Kroomen. In compliance with his request I directed him, previous to his departure from the station, to transfer them to this ship. I shall accordingly retain them until I shall be advised of your orders in the premises. In obedience to your instructions I expect to sail to-morrow for the Canaries, touching on my return at Porto Grande for the mails of the squadron. I have the satisfaction to inform you that there has been very little and no serious sickness on board; at present there are but three cases on the sick report.

I have the honor to be, very respectfully, your obedient servant,

THOMAS W. BRENT,
Commander.

Flag-Officer THOMAS A. CONOVER,
Commander-in-chief U. S. Naval Forces, Coast of Africa.

ST. GEORGE DE ELMINA, *September* 28, 1858.

SIR: There being no consul or commercial agent on this part of the coast, I feel it my duty to report to you regarding the American commerce at this and adjacent places. Having been trading on this part of the coast of Africa for the last eighteen years, I have had an excellent opportunity of knowing the manner in which American vessels are treated by foreign war vessels. I will state some transactions yet fresh in my memory which have occurred within the last few months. The American bark Catharine, of Salem, Massachusetts, A. W. Berry master, was boarded on or about the 19th April, 1858, by (to the best of my recollection) her Britannic Majesty's steamer Sharpshooter, had her hatches broken open, her cargo overhauled, and the American flag hauled down by the commander of the Sharpshooter, and after six or seven hours' detention, and under no colors during that time, the commander of the steamer requested Captain Berry to resume his command and proceed on his voyage, which request he complied with on the condition that the English commander would enter in the Catharine's log-book all the circumstances connected with his seizure and detention. On or about the last of April, the American brig "Marshall," of Boston, Massachusetts, Peter Ayres master, while at anchor off Accra, was boarded by her Britannic Majesty's steamer "Vesuvius," and the captain of the Marshall told by the commander of that steamer that when he lifted his anchor from Dutch ground he would be seized as a prize in consequence of her register stating that she was the brig "Marshall," of Providence, Rhode Island, whereas

on her stern was painted "Marshall," of Boston. The English steamer having left Accra without troubling the brig any more, Captain Ayer thought it advisable to send his vessel to the United States with another master, and remain himself on the coast to collect his debts and arrange his business, thereby breaking up his voyage and causing great loss to the owners of his vessel. On or about the middle of June last, the American bark "Warren White," of Salem, Massachusetts, J. T. Howe master, while lying off Whydah, was boarded by an English war steamer, and was thoroughly searched by the officers of that steamer; and had it not been for the opportune arrival of the United States sloop-of-war Marion, there, no doubt, would have been considerable trouble. On or about the 11th July last, while at Accra, I became acquainted with the mate of an American schooner which had been seized by an English cruiser while lying at Whydah, and the master and crew sent on shore, destitute of everything, through which destitution the master and seven of the crew died. The mate, when I saw him, was in possession of the ship's papers, which had been acknowledged by the English commander to be correct; and after the seizure, the papers not being found, a reward of $7,000 was offered by the English commander for the same, but they were not given up, as the mate was determined to take the papers to Havana and lay the matter before the proper authorities. The above are only a few of the occurrences which transpire on this part of the coast. The nearest consul or commercial agent being situated at a distance of some 1,000 miles from this place, American captains have no redress for any molestation which they suffer from English commanders. American commerce on this part of the coast is very extensive, and on the last fourth of July there were three American vessels lying at this place, and at Cape Coast Castle, a distance of only seven miles, there were seven American vessels at anchor. During the stay of the American bark "Catharine" at Cape Coast Castle her crew mutinied, and were sent on shore to await the English steamer to Sierra Leone, to be there delivered to the American consul; the bark being thus left destitute of a crew, thereby causing much expense and delay to the vessel; but had there been any American agent at Cape Coast, the difficulty would have been settled more satisfactorily.

I remain, sir, your obedient servant,

V. F. DEBAKEN,

Agent for R. Brookhouse, esq., of Salem, Mass.

Commander WILLIAM MCBLAIR,

Commanding U. S. sloop-of-war Dale.

No. 14.

No. 41.] UNITED STATES FLAG-SHIP "CUMBERLAND,"

Porto Praya, March 12, 1859.

SIR: I have the honor to report my arrival at this place on the 5th instant. I found here, as I had anticipated, the "Vincennes," very lately returned from the coast. Commander Totten reports the officers and

men generally in the enjoyment of good health. I presume that the department is already informed of the capture by the "Vincennes" of the American bark "Julia Dean," which vessel has probably ere this arrived in the United States. Commander Totten has been cruising very actively for several months both on the south and north coast. He reports to me the extreme difficulty, "attended with great loss of time and dangerous fatigue to the crew," which a sailing vessel encounters in working along certain portions of the African coast. Anchoring every evening in shore before the sea breeze dies out, and getting under way early in the morning with the land breeze, which often lasts but two or three hours and is generally very light; and then when the sea breeze makes to gain, if possible, a little by working to windward until evening and anchoring along in calms. This experience is confirmed by that of other vessels in this squadron, and my object in referring to it, and also to the "Vincennes's" unsuccessful chase of the "Wanderer," and also of another vessel mentioned in his report, is that the department may be aware of the serious disadvantages which a squadron composed entirely of sailing vessels necessarily encounters in carrying out the instructions of the Navy Department appertaining to this station. Commander Totten has reported to me the capture and subsequent destruction by fire of the American brig "Rufus Soulé" by her Britannic Majesty's steamer "Viper," on the 11th of last October; and has also informed me that he has already circumstantially reported the facts attending this capture to the Navy Department. I will forward a duplicate report of this case by the earliest opportunity, and with it the copies of the correspondence between Commander Brent and Lieutenant Hodgkinson, commanding the "Viper," in the case of the "St. Andrew's," before referred to in my letter No. 38, and also copies of that between Commander Brent and Commodore Wise, of the British service, in relation to the capture of the "Mary Elizabeth" by her Britannic Majesty's brig "Heron." These three cases bear a strong resemblance to each other, and all, in my opinion, confirm the views relating to this subject, which I have had the honor to submit to the department in my letter No. 38. In a letter from her Britannic Majesty's consul general in Cuba to the Earl of Malmesbury, bearing date July 22, 1858, a copy of which has been transmitted to me by the department for my information, among the names of the vessels strongly suspected of fitting out at that date for the slave trade, I find that of the "Rufus Soulé." I have written to Rear Admiral Grey, commander-in-chief of her Britannic Majesty's naval forces on this coast. A copy of my letter is herewith enclosed. I have transmitted to Admiral Grey copies of the depositions of two men who were on board the "Rufus Soulé" at the time of her capture by the "Viper." The report of Commander Totten will put the department in possession of all the facts of the case, and will enable it to determine what further notice the subject demands. * * * * *

I have the honor to be your obedient servant,

T. A. CONOVER,

Flag-Officer, Commanding U. S. African Squadron.

Hon. ISAAC TOUCEY,

Secretary of the Navy.

UNITED STATES FLAG-SHIP CUMBERLAND,
Porto Praya, March 21, 1859.

SIR: Commander Totten, commanding the United States sloop "Vincennes," has reported to me the capture of the American brig "Rufus Soulé," by Lieutenant Commanding A. B. Hodgkinson, commanding her Britannic Majesty's steamer "Viper," on the 11th of last October. I presume that Commander Hodgkinson has already reported to you the circumstances attending this capture, and has furnished you with copies of the correspondence in relation to this subject between himself and Commander Totten. I beg leave, however, to call your further attention to the enclosed copies of the depositions of William Petterson, chief mate, and Peter Cordina, seaman on board the "Rufus Soulé" at the time of her capture by the "Viper." These depositions, sworn to on board the United States ship "Vincennes," in the presence of Commander Totten, by the said William Petterson and Peter Cordina, contain serious charges against Commander Hodgkinson. If they are true, it follows that an officer in her Majesty's service, by means which I think my government will consider altogether irregular and unwarrantable, has secured as a prize an American vessel amenable properly only to the laws of the United States. As I have felt it to be my duty to report this capture circumstantially to my government, I transmit to you the enclosed papers for your information, believing that they may afford you a view of the case which very possibly may not have been heretofore submitted to you.

I have the honor to be your obedient servant,

T. A. CONOVER,
Flag-Officer and Commander-in-chief.

Rear Admiral the Hon. Sir F. W. GREY, K. C. B.,
Commander-in-chief of H. B. M. Naval Forces,
Cape of Good Hope and Coast of Africa.

No. 15.

No. 42.] UNITED STATES FLAG-SHIP CUMBERLAND,
Porto Praya, March 23, 1859.

SIR: I have the honor to transmit the enclosed papers, relating to the capture by her Britannic Majesty's cruisers of the "St. Andrew's," the "Mary Elizabeth," and the "Rufus Soulé," referred to in my letters to the department Nos. 38 and 41.

I have the honor to be your obedient servant,

T. A. CONOVER,
Flag-Officer, Commanding United States African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
St. Paul de Loando, August 24, 1858.

We, the undersigned, seamen of the American brig "Mary Elizabeth," John Henry master, shipped at the Havana on board the above named vessel through the American consul, about April 17, 1858, and sailed on or about the 20th; hove-to off St. Thomas about 22d June, and communicated with the shore; on or about 9th July arrived off Black Point; two armed boats came alongside, was boarded by an officer, and part of the men armed; the officer went into the cabin and we saw him looking at papers with Captain Henry; there seemed to be considerable talk and dispute about them, after which the officer ordered his men to come out of their boats with their arms, and asked the captain to keep his vessel away; the captain refused; then the officer ordered one of his men to take the wheel and keep the vessel away for the British man-of-war brig; the commander with several of his officers (when within one or two miles of the British brig-of-war,) came on board in another boat; the commander went into the cabin with some of his officers and examined the papers, and said they were not correct; Captain Henry said they were, and said he was not afraid but what his government would see him out; after considerable talk the commander of the British brig ordered the crew aft and mustered us by the articles; after calling the roll there was some dispute about two men that did not answer to their names, not understanding English; then there was a dispute about two passengers and a servant; about this time, towards sunset, the two vessels were near each other and were brought to anchor; the commander and three officers stopped on board and took supper by invitation of Captain Henry; some of the officers went forward among the crew and tried to persuade us to go aft and ask the captain to haul the colors down, as she was a slaver; the commander also came forward and endeavored to persuade us to pursue the same course and we refused, after which the commander and officers (with the exception of the first lieutenant and ten armed men) left our vessel; the next morning, about 9 or 10 o'clock, the commander and some of his officers again came on board, with a crew to relieve the guard on board; after more talk and disputing he had us mustered again; the result was about the same as the first muster; soon after the vessels were both got under way and worked to windward; at different times during the day the officers continued to come among us, trying to persuade us to haul the colors down, and said if they were in our place they would do so in spite of the captain; the vessels were continued under way until 9 or 10 o'clock at night and then were brought to anchor again, having had continued communications during the day; next morning, before 8 o'clock, the commander, two officers, and a carpenter came on board; after some disputing and talking with Captain Henry, all hands were called aft; the commander pointed to the flag and said do you claim that for your protection; we said we did; he then turned to Captain Henry and asked him if he was going to haul his flag down; Captain Henry said, no; the commander then turned to his officers and ordered them to break open the hatches and search the ship, they did so, and examined every part

of her; after this the commander and some of his officers returned on board their own vessel; after this Captain Henry went on board the British brig in one of her boats; in about an hour afterwards he came back with the commander; Captain Henry went aft and ordered the mate to haul the colors down, on hearing which we rushed aft and asked Captain Henry what he meant by hauling the colors down. The British commander said to Captain Henry, it has come to a pretty stand when you have to go by your men's orders. Captain Henry then hauled the colors down; an English ensign was then bent on to the same halyards and hoisted; we were all then hurried into the English boat and taken on board her Britannic Majesty's brig "Heron." The vessels remained at anchor two or three nights; the boats continued during the day bringing articles from the "Mary Elizabeth," some of which were applied to the use of the "Heron," such as gangway stanchions, provisions, &c.; on the second or third day the "Mary Elizabeth" got under way and stood off to the southward and westward; the day after the "Heron" got underway and put into Cabinda, where we were landed with our clothing, after being on board six days, without any choice being offered us.

E. R. THOMPSON.
HENRY COYNE.

UNITED STATES SLOOP MARION,
St. Paul de Loando, August 15, 1858.

SIR: I have the honor to enclose for your information the following documents, viz: First, copy of a deposition taken before the acting commercial agent of the United States at this port, by the late chief mate of the brigantine "Mary Elizabeth," captured by her Majesty's brig "Heron." Second, copy of a protest in the handwriting of the late master of the Mary Elizabeth, inserted in the log-book of that vessel, now in my possession. This deposition and protest, you will perceive, are entirely at variance with the declaration which Commander Truscott made to me, that she was captured without papers or colors. I did not find Flag-officer Conover at this port, as I had anticipated before my arrival, and have no recent intelligence from him. I shall remain at this port or in its vicinity until about the close of the present month.

I have the honor to be, very respectfully, your obedient servant.

THOMAS W. BRENT,
Commander United States Navy.

Commodore CHARLES WISE,
Senior Officer, west coast of Africa,
Her Britannic Majesty's ship Vesuvius.

Declaration of John Cribbens, late chief officer of brig Mary Elizabeth, of New Orleans, John Henry master, owned by McConnel & Henry of New Orleans.

Declares that the above named vessel sailed from New Orleans March 29, 1858, for the Havana, *via* Key West, with a cargo of tallow and lard; arrived at the Havana on the 4th of April; discharged and took on board a full cargo, consisting of one hundred and eighty casks of spirituous liquors, one hundred bags of bread, fifty bags of rice, thirty bags of beans, forty-five bags of dried salt beef, fifteen barrels of salt pork, one large case of sundries, measuring about one and a half tons, four coils of rope, two bags of sundries, seventy bundles of shooks; that her crew consisted of ten men, all told, four of which were shipped at the Havana before the American consul; also had on board two cabin passengers and servant; sailed on the 20th of April; cleared for the island of St. Thomas and Congo river; communicated with St. Thomas on the 22d of June without anchoring; on the 9th of July arrived off Black Point, north of Congo river; at two p. m. was boarded by an officer and two entire boats' crews, consisting of about 20 men, of the British brig-of-war Heron, (who immediately followed the officers on board,) requested to see the vessel's papers, which request was complied with by the captain, in my presence, he producing the register, &c. Said officer's attention was particularly called by me to the legality of said register, &c., and I said here is the register, clearance, and manifest, and wished to know what more he required; the American ensign flying at the peak the whole of this time. They immediately took possession of the vessel and steered for the brig-of-war above named; at about five p. m. the commander came on board, accompanied by four officers, and demanded to see the papers, which were shown him, after examining which, denied the legality of them, and said they belonged to another vessel. At seven p. m. the commander and officers, with the exception of the 1st lieutenant and fourteen armed men, left. On the following day, (10th,) at about two p. m., the commander came on board, accompanied by his officers and the carpenter; after a consultation with his officers he ordered Captain Henry to haul his flag down; the captain said, no, he would not; the commander then ordered the carpenter to break open the hatches; it was done; the commander and his officers went into the hold and examined every part of it, and from there to the cabin, and examined every state-room; they found no evidence of the vessel being an illegal trader. At about five p. m. the commander and his officers left, leaving the master of the Heron, with fourteen armed seamen, in charge. On the following day, (11th,) at about nine a. m., the commander and his officers again came on board and endeavored to persuade us to haul the flag down; we refused to comply; he then took his departure with his officers, leaving one in charge, with fourteen men, armed. At 10 a. m. Captain Henry called me and said he wished to go on board the Heron and see the doctor, as he felt ill. About an hour afterwards he returned, accompanied by the commander of the Heron and his officers; when he returned on board he ordered me to haul the flag down; I

refused to do so; the crew of the vessel came aft and requested that the flag should be kept flying and to be taken before American authorities; the commander of the Heron said, "it is a pretty how-do-you-do, the captain wants to haul the flag down and his mate and sailors will not allow him," and called me an obstinate fellow, and said if I did not hold my tongue he would put me in irons. Captain Henry hauled down the flag himself, I immediately took the flag and threw it overboard; the commander asked me why I did so, I answered him, "so you shan't have it;" he said we required some old bunting to mend some of his flags. I was then, with the crew, ordered by him into his boats and taken on board the Heron. I asked him to allow me to stop on board the vessel to go to St. Helena in her, he said "no, the captain was quite sufficient to go there, you I will land here, at Black Point, and the crew where I think proper." I was accordingly landed five days after, and the crew were landed at Cabenda, where I saw them afterwards. The next morning (12th) I was stripped of all my clothes and $459 taken from me; the passengers and crew were treated in like manner. The first night they took possession of the vessel the commander ordered the anchor to be let go, and would not get underway again until the flag was hauled down.

JOHN CRIBBENS.

Attested:

THOMAS W. BRENT,
Commander, United States Navy.

JOHN J. COKER,
Acting United States Commercial Agent.

ON THE HIGH SEAS, *July* 9, 1858.

I, John Henry, master of the American brig Mary Elizabeth, of New Orleans, do hereby protest against the act of the commander of the British brig Heron, in boarding and taking possession on the high seas and detaining, and searching, and keeping possession of said brig, contrary to her right as a vessel of the United States, on the high seas, and do protest against the said detention and hindrance in the sum of $60,000, (sixty thousand dollars.) The said brig (Mary Elizabeth) having sailed from Havana on the 20th day of April, 1858, bound on a voyage to the island of St. Thomas and a market, with a cargo of rum and provisions, and require to be brought to *New Orleans* to have the legality of the act of said British commander tested.

HER MAJESTY'S SHIP VESUVIUS,
Off Loango, August 30, 1858.

SIR: I have the honor to acquaint you that on receiving your letter of the 15th instant, I immediately laid it before Commander Truscott of her Britannic Majesty's brig Heron, who in reply repeats his statement, that the Mary Elizabeth was captured without papers or colors. With *reference to* the protest said to have been made by John

Henry, master of that vessel, Commander Truscott not merely denies having received such a protest, but further states that the person purporting to be the master called himself John Edwards, and as such was sent in the vessel to the prize court at St. Helena. I would further beg to inform you that Commander Truscott denies in every particular the deposition of the mate of the Mary Elizabeth, stating that his declaration is a mass of falsehoods, and that I have considered it my duty to forward your correspondence, and Commander Truscott's reply, to my commander-in-chief.

I have the honor to be, sir, your very obedient servant,

CHARLES WISE.

Commodore and Senior Officer, west coast of Africa.

Commander T. W. BRENT,
United States sloop Marion.

UNITED STATES SLOOP MARION,
Off Shark's Point, Congo river, September 6, 1858.

SIR: I have the honor to acknowledge the receipt of your communication of the 30th ultimo. I thought it proper to submit to you a copy of the deposition of the mate of the "Mary Elizabeth," as it came before me in such a manner as to oblige me to take official notice of it. In remarking upon the variance I had no intention of denying Commander Truscott's statement. I have now to inform you that from further evidence received at Loando, and the mate's own admission, I find that the deposition which he made is contradicted in an important particular, so as to make the rest of his assertions, if denied, utterly worthless. The alleged protest of the master, therefore, resting only upon the same authority, is amply refuted by the mere denial of Commander Truscott.

I have the honor to be, very respectfully, your obedient servant,

THOS. W. BRENT,
Commander, United States Navy.

Commodore CHARLES WISE,
Senior Officer, west coast of Africa, H. B. M. ship Vesuvius.

VESUVIUS, AT THE CONGO,
August 23, 1858.

SIR: I have the honor to lay before you the three last instances that have come to my knowledge of the flagrant prostitution of the American flag to cover slave trading transactions. The first is that of a brig called the "Charlotte," of New York. She was boarded by the "Vesuvius," under my command, in April last, to verify the flag; her register proving correct in every respect, no time was lost in quitting her. Her master then stated that he had a cargo such as is employed in the purchase of slaves, and money to a large amount on board, and that the vessel belonged to C. J. Figaniere, of New York.

The Charlotte ascended the Congo, remained at Punta da Linha from April 9 to the end of July; was then sold to Messrs. Cuncha Reis, of New York, (the greatest slave dealer on the coast,) and finally, in July last, shipped a cargo of five hundred slaves at Praya dos Pescadores, in the neighborhood of Moando. This information was obtained from an eye-witness, and I am also informed that arrangements have been made that an advertisement shall appear in the New York papers to the effect that this very vessel has landed a cargo of ground nuts and oil at that port.

The next case is the "Venus," bark, of 246 tons, belonging to George Butler, of New Orleans, and now lying at Punta da Linha, in the Congo. I have received positive information of this vessel being a slaver. In April last she was fitting out at Havana for the coast, with papers that were suspected not to be genuine. On the 9th instant she was boarded off Moando, by the boats of her Majesty's ship "Antelope." Her papers were voluntarily produced by the master, and the following is an extract from the boarding officer's report: The "Venus" appears to have been the Mexican bark "Anacleta," sold at New Orleans to one Butler native of Hamburgh, but a naturalized American, and cleared by Butler from New Orleans for Havana, after being registered there by him as master and owner. At Havana she was chartered by Manuel Reis for Punta da Linha, and if ordered to go to Annobon; and at the end of the charter party is a receipt for six thousand dollars for the outward run. At Havana Butler left the ship and Otterson became the master, but his name does not appear on the articles. There is a certificate of the change of master, but not on the register; and we suspect the signature of the United States consul general on that document to be forged. By the certificate it appears that Otterson was master on the 6th of April; but the clearance out of Havana is in the name of Butler, master, which name has been subsequently altered into Otterson, and in several other places in her papers the name Butler is altered into Otterson. Her crew consists of the person representing himself as master, a mate, three Americans, two Spaniards, and one Frenchman. Besides these there are on board ten Spaniards—four in the cabin, evidently the real officers and supercargo of the ship—and six forward passengers, who, though dressed up, are, there is no doubt, the Spanish portion of the crew. The "Venus" I am informed has slave coppers, provision, tins and tubs for slaves, leagers for water, and all the fittings for the slave trade on board Although morally there are strong grounds for believing that the register and other papers of the "Venus" are either forgeries or have been obtained by fraud, yet, in the absence of a legal proof of the American flag having been assumed without any right to the same, I consider it my imperative duty to denounce the vessel to you, and to offer you every assistance in my power with a view to your being enabled to capture this noted slaver, and so check an infamous, and, I regret to say, successful system of conducting the slave trade by fraudulently assuming the flag of the United States. The last case I have to mention is that of the "Ellen," of New York She was boarded by the boats of this vessel at Loango on the 19th instant. Her register was called for to verify the flag.

The fact of information having been received from a whaler that she was engaged in the slave trade naturally excited suspicion that the "Ellen" had followed the popular course of hoisting an American flag, with documents fraudulently procured. The register of the "Ellen" I believe to be a palpable forgery. There is no official stamp upon it, with the exception of a seal pasted on instead of being embossed into the paper The "Ellen's" cargo, I am informed, consists of provisions for slaves, water, and a slave deck. I am perfectly convinced that the "Ellen" is a slaver, fraudulently sailing under American colors, yet as I am unable to produce legal proof of her register being forged, my only course is to express to you how much I shall feel pleased if you will avail yourself of the services of her Majesty's steam vessel "Antelope," or any other of her Majesty's vessels guarding the mouth of the Congo, now placed at your disposal, in order that you may, if you deem fit, decide the question of the "Venus" and "Ellen" being entitled to fly the United States flag, as the fact of their being slavers cannot be doubted.

You doubtless will agree with me that a cordial co-operation in this manner will have a most beneficial effect towards the suppression of the slave trade, and enable us satisfactorily to execute the duties which our respective governments have appointed us to carry out.

I have the honor to be, sir, your very obedient, humble servant,

CHARLES WISE,

Commodore and Senior Officer, west coast of Africa.

Commander THOMAS W. BRENT, *U. S. sloop-of-war Marion,*
Or the Com'g Officer of any U. S. ship-of-war arriving at the Congo.

UNITED STATES SLOOP MARION,
Off Shark's Point, Congo River, September 6, 1858.

SIR: I have the honor to acknowledge, through Lieutenant and Commander Pike, of her Britannic Majesty's steam vessel "Antelope," the receipt of your communication of the 30th ultimo. The "Venus," as you are aware, having left the Congo before my arrival, I notwithstanding availed myself of your obliging permission and the cordial co-operation of Lieutenant and Commander Pike to proceed to the factories in the river, for the purpose of testing the character of another vessel, called the "E. A. Chase," which had subsequently passed up the river under American colors. After a strict investigation I am satisfied of the legal character of the "E. A. Chase." I beg leave to avail myself of this occasion to thank you most respectfully and cordially, for having afforded me the means of ascending the Congo in her Britannic Majesty's steamer "Antelope," and I beg, also, that you will do me the favor to convey to Lieutenant and Commander Pike my most grateful acknowledgment for the courtesy and attention of himself and the officers of the "Antelope" towards myself and the officers who accompanied me.

I have the honor to be, very respectfully, your obedient servant,

THOS. W. BRENT, *Commander.*

Commodore CHARLES WISE, *Senior Officer*
West coast of Africa, her Britannic Majesty's steamer "*Vesuvius.*"

HER MAJESTY'S SHIP "VESUVIUS,"
Mouth of the Congo, September 6, 1858.

SIR: In acknowledging the receipt of your letter, of this day's date, in which you were good enough to express the satisfaction you experienced in availing yourself of the proffered services of her Majesty's ship "Antelope" to visit American vessels at Punta da Linha, suspected of being engaged in the slave trade, I take the opportunity to acquaint you that I shall bring before the notice of my commander-in-chief the very cordial manner in which you have assisted me in acting towards the suppression of this nefarious traffic, and at the same time beg to tender my own thanks for your valuable co-operation, and to assure you that it will always be my desire to render every assistance that may be required to the United States squadron on this station.

I have conveyed to Lieutenant Pike the expressions of your good will towards himself and his officers.

I have the honor to be, sir, very respectfully, your obedient servant,
CHARLES WISE,
Commodore and Senior Officer, west coast of Africa.

THOMAS W. BRENT,
United States sloop Marion.

UNITED STATES SLOOP MARION,
St. Paul de Loando, August 15, 1858.

SIR: After my visit to you, yesterday, I became aware of the existence of a deposition, a copy of which I beg to enclose, taken before the acting commercial agent of the United States at this port, by three seamen, late of the American brigantine "St. Andrew's," which, they state, was captured on or about the 25th of June last, by her Britannic Majesty's steamer "Viper," under your command. If these depositions are to be relied upon, there can be no doubt of the illegal character of the vessel; and the question is, was she entitled to the flag of the United States, which she displayed at the time of the capture; and if so entitled she could be amenable only to the laws of the United States; no change of destination, no irregular act whatever, short of offence against international law, could subject her to any other jurisdiction. I presume, therefore, that the vessel was captured on the ground of having no register, or none to which she was entitled. Will you do me the favor to inform me on this point, whether, on the occasion of the capture of the "St. Andrew's," any paper purporting to be her register was exhibited; and, if so, upon what grounds it was objectionable? I confine my inquiry to that

document, as the only one that need be on board a vessel in time of universal peace to prove national character.

I am, very respectfully, your obedient servant,

THOMAS W. BRENT,
Commander United States Navy.

Lieutenant Commanding AUSTIN R. HODGKINSON,
Her Britannic Majesty's steamer "Viper,"
St. Paul de Loando.

Declaration of Edmond Wood and Henry Hind, of Philadelphia, and Jacob Caulk, of Baltimore, part of the crew of the American hermaphrodite brig "St. Andrew's," of Charleston, South Carolina, Charles Barclay master, a naturalized citizen, place of residence Charleston, owners Street Brothers, of Charleston:

We declare that the above-named vessel cleared from the Havana, with a cargo of rice, her crew consisting of seven Americans, all told; that we sailed from Charleston, South Carolina, on or about the 23d of February, 1858, and arrived at the Havana about the 4th of March; that she was sold there and claimed by the captain; sailed for Charleston on the 29th March; took on board at the Havana a Spanish crew of ten men; arrived off Charleston about the 2d of April; was three days off the bar; the captain inquired if they (Americans) were willing to continue the voyage, and informed them he was bound to Congo river, southwest Africa, and a slaving, to which they consented; that her cargo consisted of fruit, sixty-three casks and fifty-three barrels of water, and thirty pipes of rum—the whole taken in at Havana; that she was first boarded by the British steamer-of-war "Viper," off Congo, about the 25th of June, the boarding officer being the commander and another officer; on examining the papers found she did not go to Charleston; took her in tow and kept her so for thirty successive hours, the American ensign flying the whole time; at the expiration of which time the commander came on board and broke the hatches open; had two men and an officer on board during the whole time of towing; the commander threatening the captain to take him to American authorities after breaking open the hatches and finding a Spanish crew on board; the captain ordered the mate (Mr. Feltman) to haul down the ensign and throw it overboard, whilst the captain threw overboard the papers; the mate is a naturalized citizen and resides in Charleston.

EDMOND WOOD.
his
HENRY + HIND,
mark.
his
JACOB × CAULK,
mark.

Attested:
THOMAS W. BRENT,
Commander.
JOHN J. COCKER,
Acting United States Commercial Agent.

HER BRITANNIC MAJESTY'S STEAMER "VIPER,"
Loando, August 15, 1858.

SIR: I have the honor to acknowledge the receipt of your letter, dated August 15, enclosing a copy of a deposition of seamen purporting to belong to a vessel called the "St. Andrews."

The first paragraphs of your letter relate to the nationality of the vessel and require no comment from me, as I never made myself a judge of it. The concluding paragraph of your letter is the only one requiring an answer, and the only one I feel required to give is that, at the capture of the "St. Andrews," no papers were exhibited, and therefore, under the act of Parliament 2d and 3d Victoria, cap. 73, she was seized as a vessel not justly entitled to the protection of the flag of any State or nation. I would further remark that I have referred to the ship's books of the "Viper," and find that no such men as these who have made the deposition appear to have been received from the vessel in question.

I have the honor to be, sir, your obedient servant,

A. B. HODGKINSON,
Lieutenant and Commander.

Commander BRENT,
United States Ship Marion, Loando.

UNITED STATES SHIP "VINCENNES,"
West coast of Africa, December 10, 1858.

SIR: I have the honor to forward the accompanying papers in relation to the capture and destruction by fire of an American brig, "Rufus Soulé," in the vicinity of Banda Point, by her Britannic Majesty's steamer "Viper," Lieutenant Commanding Hodgkinson, on the evening of the 11th and the morning of the 12th October, 1858. I was approaching the anchorage off Kabenda in this vessel on the morning of October 14, and seeing a steamer coming out from the direction of Kabenda, which I supposed to be an English cruiser, I shortened sail and hove to, to show that I wished to communicate; also making a signal, as established between the two squadrons. As she came near to us I found her to be the "Viper," and expressing a wish to communicate, I went on board. The commander of the "Viper" showed me his log in relation to the capture of the "Kate Ellen," which corresponded precisely with the statement I had obtained from the officer in charge of that vessel when I met her at sea on her way to Sierra Leone. On the afternoon of the same day (October 14) I anchored off Kabenda, and on the 16th I received a note from a person on shore, who stated that he and another American citizen had been landed at that place by the "Viper," and also all the crew of the American brig "Rufus Soulé," which vessel had been captured and burned by the "Viper." I sent an officer on shore the next morning to bring the two Americans off to the ship. The

head man of the place, Franco, being absent, his son refused to allow them to leave the shore. I immediately got this ship under way, ran close in, and sent a party of fifty men, under command of Lieutenants West and Braine, with orders to bring them off to the ship. By sunset the parties had returned, bringing off both of the men, with their baggage. The accompanying statement, made by these men, examined separately, and sworn to in my presence, and corresponding so closely, presented to my mind a case of such gross outrage on the American flag, and irregular conduct on the part of the commander of the English cruiser, that I felt it my duty to return at once towards Loando, in hopes of meeting with you or of falling in with these, or on the passage the steamer "Viper," (her commander having informed me that he was bound direct for that place,) to ask a statement or explanation from him. I was also induced to this course by the following consideration, viz: It appeared to me strange that the commander of the "Viper," having on board of his vessel at the time I visited him the captain of the "Rufus Soulé," and the capture and destruction of that vessel having occurred only two or three days previously, should not, if he felt that it had been a lawful or justifiable capture, have communicated the fact to me. You will see by the statement of these men (viz: William Petterson and Peter Cordina) that the "Rufus Soulé" was captured on the 11th of October, and burned on the same night. The men were landed at Kabenda on the 14th, on the afternoon of which day I met and communicated with the "Viper;" and also in reply to my inquiry, "if there were any suspicious vessels on the coast," that with this case fresh in his memory, the commander of the "Viper" should have stated that there were none. The facts also, as contained in the statement of these men, appear to me strongly corroborative of a rumor which has been for some time current, viz: knowing that the United States has never conceded to England the right of capture, or even to search vessels while having the American flag, however strong appearances may be that they are not legal traders; that improper threats are made and strong inducements held out to the captains of these vessels to haul down their flags and destroy their papers. The fact as stated by both of these men, that the papers of the "Rufus Soulé" were demanded and examined on three separate occasions by the officers of the "Viper," affords strong presumptive evidence that they were in all respects correct; and also the fact that the captain of the "Rufus Soulé" and the three passengers were taken care of while the crew, including the chief mate and another seaman, both claiming American protection, were landed at a native town in a destitute condition, with all the horrors of coast fever and starvation before them, impresses me very strongly with a suspicion that such a course as is stated above was taken by the commander of the "Viper" on this occasion, nor does it matter whether the "*suggestion*" was made by him personally or by the officer who accompanied him. Whether these English cruisers are justified in forcibly "*taking in tow*" vessels carrying the American flag, to drive the captains to haul down their flags, as is satisfactorily proven that they have done on previous occasions, or to use any threats for the same purpose, or whether the cap-

tors of a vessel which was visited while having the American flag flying, and which flag was subsequently hauled down in consequence of unjustifiable threats or unwarrantable inducements, have a legal right to destroy such vessel before she is condemned by a proper tribunal, is a matter which I respectfully submit to your consideration. I beg leave, however, to refer you to certain passages in Kent's Commentaries, vol. 1, part 1, section 5, of the Laws of Nations, page 108: "When a prize is taken at sea it *must* be brought with due care into some convenient port for adjudication by a competent court." Page 109: "Some marine ordinances, as those of Louis XIV, and of Congress during the American war, made twenty-four hours' quiet possession by the enemy the test of title to capture." Again, page 109: "But by modern usage of nations neither the twenty-four hours' possession nor the bringing the prize *infra proresidia* (within jurisdiction) is sufficient to change the property in the case of maritime capture. A judicial inquiry *must* pass upon the case, and the present enlightened practice of commercial nations has subjected all such captures to the scrutiny of judicial tribunals as the only sure way to furnish proof that the seizure was lawful," &c., &c. Again, page 110: "Until the capture becomes invested with the character of prize by sentence of condemnation, the right of property is in abeyance, or in a state of legal sequestration. It cannot be *alienated* or *disposed* of, but the possession of it by the government of the captor is a trust for the benefit of those who may be ultimately entitled." This salutary rule, and one so necessary to check irregular conduct and individual outrage, has been long established in the English admiralty, and is now everywhere recognized as the law and practice of nations. After a short passage of four and one-half days I arrived at Loando on Friday, the 22d, and I found her Britannic Majesty's steamer "Viper" there at anchor. I immediately sent to the commander of the said vessel a communication, (a copy of which is herewith enclosed, marked A.) On the afternoon of the 23d I received a reply, (a copy of which is herewith forwarded, marked B;) while reading which I was informed by the officer of the deck that the "Viper" was getting under way. I immediately sent a boat with a second communication, very hastily prepared, (copy marked C;) and as the "Viper" was already standing out of the harbor, I made a signal that I wished to communicate. Although my signal was answered, and the boat from this vessel must have been seen falling so as to head her off, the "Viper" was not hove to until our boat was near to her; to which communication the commander of the "Viper" returned a verbal reply that "he was in a hurry to get on his station off Snake's Head; that he ought to have been there before, and that he would reply to me by the first convenient opportunity."

I considered that the commander of the "Viper" was somewhat remiss in official courtesy in not making the usual visit to this vessel, either in person or by one of his officers, particularly as I had visited him previously on the 14th off Kabenda; this, however, may have been owing to his being occupied in preparing for sea. I had not been as explicit in my first communication to Lieutenant Commanding Hodgkinson as I might have been, because it was my intention that

the correspondence on my part should only evince a desire for a full and plain statement of facts from him; hence I had reason to be much surprised, and not at all satisfied with his reply; for although he professed to have answered me as "*frankly* as *possible*," and in the same spirit as shown in your (my) letter, I failed to receive from him any statement (as I had requested) of the circumstances of the capture and destruction of the "Rufus Soulé;" and while my communication was plainly asking for information, his reply was as plainly withholding it. As I was getting under way from Loando, on the morning of the 26th, Mr. Willis, the United States commercial agent, sent on board for my perusal a letter he had just received from Kinsembo, a part of which (relating to the capture and destruction of the "Rufus Soulé," and containing a statement made by Captain Anderson,) I copied and herewith forward, marked D. I arrived and anchored off Ambriz on the 29th, and remained there until the evening of the next day, with the hope of meeting the flag-ship Cumberland, (as I was led to expect by the American consul at Loando,) but as so much time had elapsed I did not feel at liberty to remain longer. On the 31st I found the "Viper" at anchor off Snake's Head, and I anchored near to her, when I received a communication from her commander, and returned a reply, copies of which are herewith forwarded, marked E and F. This, as the previous communication from the officer in command of the "Viper," I did not consider such as I had a right to expect; and as he evidently evinced a determination to withhold from me, as much as possible, a fair and full statement of the circumstances attending the capture of the "Rufus Soulé," I thought it advisable, (and not for the reasons stated in his letter,) under the circumstances, to do as he suggested, viz: to refer the matter to higher authority. It cannot be necessary to point out to you the very strange inconsistencies in the last reply of Lieutenant Commanding Hodgkinson, dated October 26. From all I can gather by the accompanying statement, (and they bear strongly the impress of truth,) the certain surveys and formalities referred to by the commander of the "Viper" consisted merely in three separate examinations of the papers, unwarrantable threats, and other irregular conduct on the part of the captors to intimidate Captain Anderson, which resulted in his hauling down or allowing them to haul down and throw overboard the American flag. By information from the English consul at Havana, lists of all vessels sailing from Cuba for the coast of Africa, are forwarded to the English cruisers; and if they meet with one mentioned on the lists, she is at once treated as a slaver, and though wearing the American flag, and possibly an honest trader, is subjected to detention, threats, and other annoyances. Whether the "Rufus Soulé" was engaged in the slave trade or not, is not the question. She wore the American flag, which was hauled down under a threat; and her destruction before a judicial condemnation, and the careful separation of her captain, passengers, and crew, removed all reliable evidences of her legal or illegal character, except what may be obtained from the statement of the captors who have the strong inducement of prize-money to bias their minds and invalidate their testimony. It is possible that I may have taken a wrong view of this case, but I can see nothing in the whole matter, as contained

in the foregoing, to warrant the summary proceeding of the officer in command of her Britannic Majesty's steamer "Viper."

I have the honor to be, very respectfully, your obedient servant,

B. J. TOTTEN,
Commander.

Flag-Officer THOS. A. CONOVER,
Commander-in-chief U. S. Naval Forces,
West Coast of Africa.

I, William Petterson, aged 37 years, of my own free will, do solemnly swear that I was born in Sweden; am a seaman by profession; I have been residing in the United States since 1836, and have sailed from there in American trading vessels; I was naturalized an American citizen in New Orleans, in the State of Louisiana, in the year 1844; I have a wife and children now living in New Orleans, which I consider my place of residence; I shipped for the "Rufus Soulé," Captain Thomas Anderson, at Matanzas, Cuba, July 10, 1858, and sailed on the same day in her in the capacity of chief mate, understanding that we were bound direct for Fernando Po, and to touch afterwards at one or more ports on the African coast; our cargo consisted of 100 barrels of aguadiente, some beef, pork, two or three boxes of tobacco, two or three boxes of dry goods, 75 water casks of 100 and 120 gallons each filled with salt water, a quantity of lumber, about 100 sacks of rice, each weighing about 200 pounds; I am very sure there was no money in the vessel; we had three passengers (Spaniards) on board; the first land we made after leaving Matanzas was a little to the south of Banda Point, abreast of Kiloo river; we were then boarded by the boats of the "Viper" and our papers examined; we then attempted to beat down towards the Congo river, the passengers wishing to go there; after beating about 20 days we again made Banda Point; on October 10, at one p. m., we anchored about five miles to the northward of Banda Point, and about four in the morning we got under way, and at daylight we saw a boat approaching us, which boarded us; the boat had English colors and we had American colors at our peak; the captain told the English officers that we were bound to Fernando Po; he showed his papers at the same time; the English boat then left us; the Spanish passengers then made a disturbance in the vessel because the captain intended to go to Fernando Po instead of the Congo; the captain then hauled by the wind to beat down to the Congo river; it was about 11 a. m.; we were then standing in shore, when the English steamer of war "Viper" hove in sight, standing for us; about one p. m. the steamer ordered us to heave-to; they then lowered a boat, and the captain of the "Viper" and another officer came on board and demanded our papers; this was the third time they had examined our papers; he, the English captain, then said to Captain Anderson, "*I am going to take you as prize; if you will not give the vessel up willingly, I will take you in tow.*" At this time the American flag was flying at our peak; the English captain then left us and returned to his steamer; there was then only the English officer, Captain Anderson, and the

helmsman on the poop; I had gone down on the main deck immediately after the order was given by the English officer to open the hatches; I then looked aft and saw that the colors had been hauled down, I do not know by whom; the English then anchored their own vessel, the "Viper," and also anchored our vessel; the English captain had gone to his vessel, but returned again immediately, when he ordered me and the passengers to take all our things out of the cabin; he overhauled them all as they were passed out, (except my trunk,) looking apparently for money; then he hailed the steamer and ordered them to send some boats and men on board; he then took from our vessel some spare spars, all our sails, stores, (viz: beef, flour, and bread,) and all the small stores in the cabin, which he sent to the steamer; I then heard him (the English captain) say that he had no officers or men to spare to send the brig away, and that he was going to burn her; we were then all taken on board the steamer; none of us were allowed to return to the brig for anything we had left, but our captain (Anderson) was at liberty to go back and forth as he pleased. The brig was set on fire about twilight, and I think that Captain Anderson was on board of her with the English captain at the time she was fired. This was on the 11th of October, (sea time 12.) The brig was burning all night, and as she had not gone down at daylight the big gun forward on the "Viper" was fired at her with shot six or seven times to sink her. She went down about seven in the morning of the 12th. The "Viper" then got under way, and in the afternoon of that day we fell in with the English commodore, (I think in the steamer "Vesuvius.") The captain of the "Viper" went on board, and on his return took back to the flag-ship Captain Anderson and the three passengers. Then, after remaining on board the "Vesuvius" about half an hour, the captain of the "Viper" and Captain Anderson returned to the "Viper," leaving the three Spanish passengers on board the commodore's vessel. The captain of the "Viper" then told me that he was going to land me at Kabenda; and when I told him that I did not wish to be left in such a place as that, he said that he had orders to land me there, and he would do so; I then begged him to put me in a boat and let me get to the Congo as well as I could; which he refused, threatening me that if I said anything more about it he would land me abreast of the vessel where there was no one living. The steamer arrived at Kabenda on (I think) the 13th about 8 p. m., and in the morning at daylight they landed us, viz: myself and another American seaman named Peter Cordina, and seven foreigners, Portuguese and Spaniards, in one of their boats, on the beach at the foot of the town, and left us there. I had a little money which was in my trunk, but I do not believe any of the others had; they were obliged to shift as they could, exchanging their clothes for fish and whatever they could get. The other American seaman shared with me; the others, being able to speak with the natives, managed better than us. The head man, "Franco," let me and the other American stay in his house, and the others in the lower part of it, but he gave us nothing to eat. I had an American protection on board, but it was in possession of Captain Anderson, and I neglected to get it; I told the English officers that I was an American citizen, and they replied to me that

they did not care anything about that. We made the Cape de Verde on our passage out, and then the next land we made was, as I stated before, the African coast, near to Banda Point. To the best of my belief, Captain Anderson is an American citizen; he told me that he was born in England, but had been in the United States since he was a little boy; I have seen him for some time about New Orleans, sailing from there as mate and captain of American vessels. I think he is about twenty-seven or twenty-eight years of age.

WILLIAM PETTERSON.

Witnesses to signature—
J. W. A. NICHOLSON,
Lieutenant United States Navy.
WILLIAM C. WEST,
Lieutenant United States Navy.

UNITED STATES SHIP "VINCENNES," *October* 20, 1858.

The above-named person, William Petterson, appeared before me this twentieth day of October, in the year of our Lord 1858, and made oath to the truth of the foregoing, and his signature was witnessed in my presence.

B. J. TOTTEN,
Commander United States Navy.

I, William Petterson, of my own free will, do solemnly swear, in addition to my previous statement, made on the twentieth day of October, that the first time we were boarded by the "Viper's" boats was on Sunday, September 19. The captain of the "Viper" came on board, accompanied by another officer, who I think was the purser, and was called Thompson. The captain of the "Viper" then examined our papers, and in about half an hour left us. The second time we were boarded was on the 11th of October, in the morning. The "Viper" was not in sight; the boat was a launch, and only one officer in her, who said that he was the gunner of the "Viper;" he examined our papers and made some memorandums in his book; he left us after about fifteen or twenty minutes. The third time we were boarded was on the same day, the 11th of October, about 1 o'clock p. m. The "Viper" was then near to us. The captain of the "Viper" came on board, accompanied by the same officer who had attended him on the first occasion, (Mr. Thompson.) Our papers were then examined for the third time, and on this occasion the crew were mustered I forgot to mention in my previous statement that on this third visit, when the captain of the "Viper" told Captain Anderson that he would "take us in tow unless he gave up the vessel," that he also said, "I will give you two hours to make up your mind." The captain of the "Viper" then returned to his vessel, leaving the other officer on board with Captain Anderson. In about half an hour this officer made some signal to the "Viper," when the captain of the "Viper" came on board. It was then I saw that the flag had been hauled down, and I heard the order given to open the hatches. The "Rufus Soulé" was a strong, well-*built, and tight vessel*; she leaked only enough to keep her sweet.

We only pumped her out every morning, when fifteen or twenty strokes would be sufficient to clear her. She was repaired at New Orleans in 1857.

WILLIAM PETTERSON.

Witnesses to signature—
J. W. A. NICHOLSON, *Lieutenant United States Navy.*
WM. C. WEST, *Lieutenant United States Navy.*

UNITED STATES SHIP "VINCENNES."

The above-named person, William Petterson, appeared before me this 1st day of November, in the year of our Lord 1858, and made oath to the truth of the foregoing, and his signature was witnessed in my presence.

B. J. TOTTEN,
Commander United States Navy.

I, Peter Cordina, aged twenty-nine years, of my own free will, do solemnly swear that I was born in England. Am a seaman by profession. My parents brought me to New York, in the United States, when I was about six years old. I have been sailing in American vessels, out of ports of the United States, for the last sixteen years—sometimes in English vessels. I have never been naturalized as an American. I have had an American protection for sixteen years, which I got in New York. I have always considered myself and hailed for an American citizen. I had not time to bring all my things from the brig, and my protection was in her when she was burned. I shipped for the American brig "Rufus Soulé," Captain Anderson, at Matanzas, on the 9th of July, as a foremast hand, at twenty dollars per month. She sailed on the 10th, as I understood, for Fernando Po. The first land we sighted was the Cape de Verde island, and the next land we made was the African coast, near Banda Point. The day I do not recollect; I think it was Sunday. It fell calm in the evening, and we let go an anchor. At daylight we got under way, and were boarded in about one or two hours by an English boat. After the boat left us we commenced beating to the southward. Soon after we saw a steamer coming towards us. About the middle of the day the steamer was near us, and sent a boat on board, the captain of the steamer "Viper," and another officer with him. They asked for the papers, and mustered the crew, and questioned us all about where we belonged. I was at the wheel, and heard the captain of the "Viper" tell Captain Anderson that he would give him one hour to make up his mind, and if he did not deliver the vessel up he would take us in tow; and then the captain of the "Viper" returned on board his vessel, leaving the other officer on board. Some time after—about half an hour—the order was given by the English to open the hatches. I then saw for the first time that our flag had been hauled down. The English officer then waved with his handkerchief to the "Viper," and the captain of the steamer came on board. The hatches

were then opened. He then ordered us all to get our clothes ready to go on board the steamer. We were then all sent on board the steamer. Afterwards they brought on board from the brig all her sails and small stores. The brig was set on fire about seven o'clock in the evening, and was burning all night. In the morning several shots were fired at her from the "Viper" before she went down. I heard it said by some of the crew of the "Viper" that she was burned because they had no men to send away in her, and that they had orders to burn one out of every three vessels which were taken. The "Viper" got under way in the forenoon; and the afternoon of the same day we fell in with the English commodore, in a steamer. The captain of the "Viper" went on board; and afterwards the order was given for Captain Anderson and the three passengers to go on board. After about half an hour the captain of the "Viper" returned, bringing Captain Anderson back with him. We then started off, leaving the three Spanish passengers on board the commodore's ship. We were then told that we were going to be landed at Kabenda. We arrived at Kabenda on Wednesday evening, the 15th; and we were landed at daylight on the beach the next morning, and the boat returned to the vessel, leaving us there. I had two dollars and a half, which was taken from me when the brig was taken, and was returned to me when they landed us on the beach. I believe all the rest of the men had a little money, which was taken away and returned to them, as mine had been. No provision was made for our support. If the "Vincennes" had not come in, I don't know how we could have lived after we had sold all our clothes. We heard that the King, "Franco," was going to send us all in a launch to the Congo. I told the English officers that I was an American citizen, and was sick. The chief mate lived with me in the upper part of the King's house; the rest of the men lived in the lower part. We were boarded three times by the "Viper's" boats. The first time was the day we made the land; the second time was about three weeks afterwards; and the last time was the day after, when we were taken and the brig burned.

PETER CORDINA.

Witnesses to signature—

J. W. A. NICHOLSON, *Lieutenant United States Navy.*

WM. C. WEST, *Lieutenant United States Navy.*

UNITED STATES SHIP "VINCENNES,"
October 20, 1858.

The above-named person, Peter Cordina, appeared before me this 20th day of October, in the year of our Lord 1858, and made oath to the truth of the foregoing, and his signature was witnessed in my presence.

B. J. TOTTEN,
Commander United States Navy.

A.

UNITED STATES SHIP "VINCENNES,"
Loando, October 22, 1858.

SIR: I have to ask that you will do me the favor to furnish me with a statement of the facts in relation to the capture, and destruction by fire, of the brig "Rufus Soulé," on or about the 11th or 12th of this month, to the north of Kabenda. I would beg leave particularly to ask information on the following points, viz: 1st. If she had the American flag flying when visited by your boats 2d. If her papers were found correct. 3d. If the American flag was still flying when her hatches were opened, and if not, under what circumstances, and when, it was hauled down. I ask these questions because I have information that the "Rufus Soulé" was captured by the Viper.

I am, respectfully, your obedient servant,

B. J. TOTTEN,
Commander.

The COMMANDER *of her Britannic Majesty's*
Steamer "Viper," St. Paul de Loando.

B.

HER MAJESTY'S STEAMER "VIPER,"
Loando, October 23, 1858.

SIR: I have the honor to acknowledge the receipt of your letter, dated the 22d of October, relative to the capture of a brigantine called the "Rufus Soulé," and containing three categorical questions.

1st. Had the vessel the American flag flying at the time she was visited by the boat?

Answer. She had the American flag flying, and, from information from the British government, dated the 8th and 22d of July last, there was every just cause to believe that, in this case, a fraudulent use of the flag was being made, and that the vessel was engaged in the slave trade; consequently she was visited.

2d. If her papers were correct?

Answer. In my opinion they were incorrect; some of them undoubtedly so.

3d. If the American flag was still flying when the hatches were opened; and if not, under what circumstances, and when, was it hauled down?

Answer. The American flag was not flying when the vessel's hatches were opened, neither had a single seaman quitted the visiting boat up to the period of the opening of the hatches. The flag and papers were thrown into the sea by the voluntary act of the captain, without even a suggestion on my part. She was boarded at 1.30 p. m., and I should think that it was at 2 p. m., as nearly as possi-

ble, that the captain committed the act mentioned above. I have answered your questions as frankly as possible, and in the same spirit as shown in your letter. I trust that they will prove ample and satisfactory to you.

I have the honor to be, sir, your obedient servant,

AUSTIN B. HODGKINSON,
Lieutenant and Commander.

The COMMANDER *of the United States Ship "Vincennes," Loando.*

The above is a true copy of the original.

B. J. TOTTEN,
Commanding U. S. Ship "Vincennes."

C.

UNITED STATES SHIP "VINCENNES,"
Loando, October 23, 1858.

SIR: Your communication in reply to mine of yesterday is received, and I regret to say that it is not entirely satisfactory, inasmuch as nothing is therein said in relation to the destruction by fire previous to a judicial condemnation of the "Rufus Soulé;" also, in relation to the papers of said vessel. I have information that she was visited on three separate occasions, and her papers examined on each, between two of which examinations a period of about twenty days elapsed; if so, and the papers not correct, why these several examinations?

You also say nothing in relation to the disposition of the crew of said "Rufus Soulé," two of them being American citizens. As you are now under way, will you be pleased to say where and when I may hear from you again, or have an opportunity of communicating.

I am, very respectfully,

B. J. TOTTEN, *Commander.*

Lieut. Com. A. B. HODGKINSON,
Her Britannic Majesty's Steamer "Viper."

D.

A copy of a part of a letter received by Mr. J. G. Willis, United States commercial agent at Loando, from Mr. Robert Cunningham, at Kinsembo. A correct copy.

B. J. TOTTEN, *Commander.*

KINSEMBO, *October* 23, 1858.

The bark "Sea Mew" sailed from here the 19th instant for Salem, passengers all well. The captain of the brig "Rufus Soulé" was put on shore here last Sunday from her Britannic Majesty's steamer (sloop)

Viper; he was taken the Monday previous by the same steamer off the mouth of the river Congo, and took passage to the United States in the bark Sea Mew. His statement was as follows: .

He was boarded by her Majesty's steamer Viper some three weeks since, and showed his papers all correct, having sailed from Matanzas for Fernando Po. After her Britannic Majesty's steamer Viper left him, he stood on to this coast, and fell in with a boat of the same steamer again, and was boarded by the gunner, and proved still to be legal. After the boat left him, he stood out to sea again, and remained out twenty-one days, and then stood into the coast again, and again fell in with her Britannic Majesty's steamer Viper, and was boarded by the same. The commander then told him that he was suspicious of him, and if he did not choose to throw his flag and papers overboard, he would be under the necessity of towing him to an American man-of-war, and gave him two hours to consider; at the expiration of the two hours the commander went on board again, and advised him to throw his flag and papers overboard, saying that by doing so he would let him get clear, and would also protect all his personal property; and after some time the captain of the brig complied, and gave up his vessel, when they immediately went to work and took all the valuables out of the vessel, and set fire to her, fired six shots into her, and sunk her. When the steamer hove in sight here last Sunday he was then bound up to Loando, but seeing an American vessel, I suppose they thought it a good chance to get clear of the captain. The English commander also told the captain, previous to coming in here, that when he should arrive at Loando he would have to keep secreted, and not on any account to let the American consul see him. The name of the captain of the brig "Rufus Soulé" is Anderson; he says he has still got the brig's register, and did not throw it overboard with the papers. The above is a correct statement, to the best of my knowledge, which I heard from the captain of the brig "Rufus Soulé."

ROBERT CUNNINGHAM.

JOHN G. WILLIS,
United States Commercial Agent, Loando.

E.

HER MAJESTY'S SHIP VIPER,
Off Snake's Head, October 26, 1858.

SIR: I beg to acknowledge the receipt of your letter of the 23d of October, 1858, and regret that the answers to your questions in my letter of the 22d are not satisfactory. 2d. I beg to point out to you that the three questions in your first letter related to proceedings anterior to the vessel becoming a prize; therefore, I answered them as openly as possible. 3d. After a vessel has forfeited her right to the protection of the flag of any State or nation, she then comes under certain acts of Parliament, and it is by those that we are guided; the

destruction by fire or other means is by those acts perfectly recognized, certain surveys and formalities having been completed, which ensue the vessel's condemnation at the court of admiralty. 4th. I have already given you my opinion of the papers of the vessel in question; as to her being visited on three occasions, your informant is better informed than I am. She made the land on the 19th of September, 1858, off the Killoo river; was chased and boarded by the Viper. I myself went to her, as I saw so many Spaniards about her decks. I had then no information from the British government about the vessel. So, after merely glancing at her papers, she proceeded on her voyage; after I had been on board about five minutes I felt perfectly certain from what I saw there what the vessel's errand on the coast was, and advised Commodore Wise (by letter) of her arrival and my suspicions regarding her. I saw no more of her until the 11th of October, 1858, when she was captured under the circumstances already detailed. 5th. As to the crew, all were landed, according to the acts of Parliament, at a civilized and inhabited part of the coast, viz: Kabenda. The captain was not landed there, as both Commodore Wise and myself thought that it would be better to separate him from the Spanish crew, as they might have done him some injury on shore. 6th. In conclusion, I would suggest, as this correspondence may lead to some difficulties between us, that it perhaps would be better if the letters that have passed hitherto, together with any others that you may wish to write, should be forwarded to the commander-in-chief, Admiral Grey, through the senior officer. Both Admiral Grey and Commodore Wise have been informed by me of all the particulars of the capture of the vessel in question, and doubtless would be able to give you more satisfactory answers than I seem to be able to.

I have the honor to be, sir, your obedient servant,

AUSTIN B. HODGKINSON,
Lieutenant and Commander.

B. J. TOTTEN, Esq.,
Commander U. S. Ship "Vincennes," west coast of Africa.

F.

UNITED STATES SHIP VINCENNES,
October 31, 1858.

SIR: Your communication of the 26th instant is received. As you suggest—and probably it will be the proper course—I shall refer all the information I have obtained in relation to the capture and destruction by fire of the "Rufus Soulé" to the commander-in-chief of the United States naval forces on this station, and also to my government.

I have the honor to be, sir, your obedient servant,

B. J. TOTTEN, *Commander.*

Lieut. Com. A. B. HODGKINSON,
Her Majesty's Steamer Viper.

No. 16.

NAVY DEPARTMENT, *April* 11, 1859.

SIR: I transmit herewith, for your information, a copy of a letter from Lieutenant John K. Duer in relation to certain vessels which are supposed to be engaged, or about to be engaged, in the slave trade.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer THOMAS A. CONOVER,
Commanding U. S. Squadron, Coast of Africa.

UNITED STATES SURVEYING STEAMER VIXEN,
Pensacola, Florida, March 30, 1859.

SIR: I have the honor to inform you that, from documents found on board the bark O. A. Rawlins, it appears that another vessel (from the description an American) was to leave Havana for the coast of Africa for negroes during the month of April.

It also appears, from the same document, that an American vessel named the J. J. Cobb is now on the coast of Africa, in the Congo river, for slaves.

I am, sir, very respectfully, your obedient servant,

JOHN K. DUER,
Lieut. Comd'g, Asst. Coast Survey.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 17.

NAVY DEPARTMENT, *July* 6, 1859.

SIR: The department has appointed you to command the United States naval force on the coast of Africa, and has designated as your flag-ship the sloop-of-war Constellation, Captain John S. Nicholas. When that vessel shall be in all respects ready for sea, you will proceed with her directly to your station. Flag-Officer Conover has been instructed not to await your arrival out, but to leave with the senior officer all unexecuted orders of the department and any of its instructions that may be of service to you in the discharge of your duties, and then to proceed with the Cumberland to Portsmouth, New Hampshire. On your reaching the station, the force under your command will consist of your flag-ship and the sloops-of-war Portsmouth, Commander John Colhoun, Vincennes, Commander B. J. Totten, and Marion, Commander T. W. Brent. The steamers San Jacinto, Mohican, Sumpter, and Mystic, now preparing for sea, will be added to the squadron.

The cruising grounds of the squadron will extend from Madeira and the Canary Islands to Cape Frio, (coast of Africa,) and from the coast to the 30th degree of west longitude. The vessels of the squad-

ron will cruise as constantly as circumstances will permit in the neighborhood of those places where the slave trade is principally carried on.

The principal objects of maintaining a squadron on the coast of Africa are the protection of the rights and interests of our countrymen and our commerce in that quarter, and the suppression of the slave trade so far as it may be carried on by the citizens or under the flag of the United States.

In regard to your duties in suppressing the slave trade, the following views are stated for your guidance. The United States are sincerely desirous wholly to suppress the traffic, and with that view have declared it piracy. They have, by their treaty with England, come under specific stipulations upon the subject, to which your particular attention is called. The object which the two governments have in view, and the mode in which they propose to accomplish it, will at once be perceived from the plain language of the eighth article of the treaty. I need not impress upon you the importance of strictly observing this stipulation, and preserving inviolate the pledged faith of your country upon this point. Nevertheless, the following suggestions may be found useful in enabling you to understand fully and precisely the views of your own government upon this delicate and interesting subject.

The government does not acknowledge a right in any other nation to visit and detain the vessels of American citizens engaged in commerce. The *flag* which the vessel wears is *prima facie*, although it is not conclusive proof of nationality. It is a mere emblem, and it loses its true character when it is worn by those who have no right to wear it. Any vessel that displays the American flag claims to be American, and therefore may be rightfully boarded and examined by an American cruiser, if there be any circumstances attending her to justify a suspicion that she is not what she professes to be. But this privilege does not extend to the cruisers of any other nation. The United States do not claim that the mere hoisting of their flag shall give immunity to those who have no right to wear it. Such a pretension would subject their flag to degradation and dishonor, because it would make it a cover for piracy and other crimes of similar atrocity; but their own citizens, who rightfully display it, are entitled to absolute immunity and protection. You will therefore at all times be prompt to prevent the search or detention of vessels of the United States on the high seas in time of peace by the armed vessels of any other power. Should a vessel of the United States falsely assume the flag of any other nation, it will constitute no protection. You will, however, in all such cases, where, from information or appearances, you have just reason to believe that the flag of another nation has been falsely assumed by an American vessel, proceed with great care and caution. If it be ultimately made to appear that she is a vessel of the United States, the case will be free from any difficulty or embarrassment. But if, on the other hand, she is in fact a vessel of any other nation, then you have no right whatever to arrest, detain, board, search, or examine her, or divert her from her course. The authority to do so depends upon her nationality, whatever appearances may be,

or whatever may be your information of her character. You should, therefore, in all cases of apparently well-grounded suspicion, proceed with great consideration and caution, in order to guard against mistake. You may approach the suspected vessel and speak with her. Showing your own flag, you may request her to display her flag. If she refuse or omit to do so, you may discharge towards her a gun loaded with a blank cartridge only. If she still refuse or omit to display her colors, you may discharge a shotted gun, pointing it so as not to hit or endanger her. If she display the colors of any foreign nation, you can proceed no further, except upon apparently well-grounded suspicion of fraudulent assumption of foreign colors by her, and upon your own responsibility. In such case it would be a reasonable course with due notice of your intentions to send a boat to her for verification of her nationality. If she exhibits the requisite authentic documents to establish her foreign nationality, you will neither board her nor detain her, nor inquire into her commercial operations, nor exercise any authority over her; and if your course has been reasonable, both with regard to the extent and manner of the verification, any claim of indemnity for detention of the vessel or interruption of the voyage, especially where the fault lies with her, will be nominal, or of little account. You will note the circumstance upon her papers, if requested, and in all cases immediately report the facts to your own government, that they may be communicated to the government of the country to which the suspected vessel belongs.

The United States, in stipulating to keep a squadron on the coast of Africa, meant to give to England and all the world an assurance of her determination and ability to protect her own flag against abuse, and thus remove all pretext for any interference with it by other nations. England accepted this stipulation as satisfactory, so far as she was concerned, and therefore she has no reason and, I trust, no wish to invade the rights of the United States in that respect. I advert to the subject here only to put you in possession of the views of your own government for your guidance in forming such arrangements as you may find it convenient to make for co-operation with British cruisers. I would consider it highly desirable that a vessel of each nation should, as far as possible, cruise in company with a vessel of the other, so that each might be in a condition to assert the rights and prevent abuse of the flag of its own country. In this way all just ground of difference or collision would be removed, while the harmonious co-operation of the two powers will go far to insure the full accomplishment of the common object in the suppression of the slave trade.

It is to be borne in mind that while the United States sincerely desire the suppression of the slave trade, and design to exert their power in good faith for the accomplishment of that object, they do not regard the success of their efforts as their paramount interest, nor as their paramount duty. They are not prepared to sacrifice to it any of their rights as an independent nation, nor will the object in view justify the exposure of their own people to injurious and vexatious interruptions in the prosecution of their lawful pursuits. Great caution is to be observed on this point.

There is reason to believe that the flag of the United States has been often, and continues to be, used to cover the traffic in slaves, and it is supposed that no good citizen of the United States will complain that a cruiser of his own country, acting upon well-grounded suspicion, visits his vessel in order to ascertain his true character. But he is nevertheless not to be exposed to unnecessary and vexatious detentions, nor to any harsh or uncivil treatment. On this point I am sure I need not give you instructions. While, therefore, the utmost vigilance is to be exerted to detect slave-traders, great care must be taken not to interrupt unnecessarily the citizens, whether of your own or other countries, in their lawful pursuits.

The cunning of the slaver is constantly forming new disguises to elude detection and escape the consequences of his crimes. To some of these devices it may be useful to call your attention.

It is not to be supposed that vessels destined for the slave trade will exhibit any of the usual arrangements for that traffic. They take especial care to put on the appearance of honest traders, and to be always prepared, as if in pursuit of lawful commerce. It is their practice to run into some river or inlet, make their bargain with the slave factor, deposit their handcuffs and other things calculated to betray them, and then sail on an ostensible trade voyage to some neighboring port. At the appointed time they return, and as the slaves are then ready to be shipped, they are taken on board without delay, and the vessel proceeds on her voyage. Thus the slavers do not carry within themselves any positive proof of their guilt except before they reach the coast and after they leave it with slaves on board. Nevertheless there is a variety of signs and indications by which their true character may, at all times, be conjectured. Among them are—

1. *Double sets of papers.* It is well known that false papers may be easily obtained at very little cost. No vessel engaged in lawful commerce requires them.

2. *An unusual number of water casks or tanks, a supply of provisions beyond what the ostensible voyage would require*, and other preparations or arrangements not usual in the trade in which the vessel professes to be engaged.

3. *The log-book should be particularly examined.* It is understood to be a common practice among slavers to keep two logs—one representing the true route, the other a false one. By exhibiting the false log, they represent themselves as having been in positions which would not expose them to the suspicion of slave-trading. This fraud may be easily detected by judicious questioning.

4. The shipping list may afford strong presumptive evidence upon the subject. In consequence of the great exposure, hardship, and hazards of the slave trade, the wages of sailors engaged in it are much higher than are paid in any regular or lawful trade, and, of course, it may be reasonably inferred that a crew of unusual number, and shipped at prices extravagant, are not destined for any usual sea duty.

5. Consular certificates are often forged, and in lieu of the proper consular seals, the impression is made with an American half dollar. These are only a few of the devices to which the slave-trader resorts. In calling your attention to them, I have only in view to impress you

with a deep sense of the artful character of the adversaries with whom you will have to deal, and of their reckless disregard of all truth and honor as well as of law and humanity. Nothing but the utmost vigilance and caution will enable you to detect them. I have no doubt your own observation and sagacity will soon discover other contrivances for deceiving and escaping you, and I have as little doubt that you will apply promptly and efficiently the requisite means of defeating all such attempts. The service on which you are about to be engaged requires the greatest prudence and the soundest discretion. You will be pleased to make all necessary arrangements at the port of St. Paul de Loando for establishing there the principal depot of the African squadron. It is believed that a suitable storehouse of sufficient capacity to contain the provisions and stores for the squadron can be hired at that place on moderate terms. If so, you will direct the naval storekeeper to take a lease of the same for a term not exceeding ten years, reserving to this department the right to terminate the lease at any time after two years, upon giving one year's notice of such intention. It is desirable that the building should be in good repair, and fireproof if possible, as well as secure against robbery. If, however, it should appear to be necessary and expedient to make alterations and repairs other than the lessor or lessors shall be willing to make, you will authorize the expenditure for that purpose of a sum not exceeding one thousand dollars. The next shipment to the squadron under your command will probably be made in September next in a public store vessel which will be ordered to proceed to St. Paul de Loando.

* * * * * * *

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Captain WILLIAM INMAN,
Appointed to Command U. S. Squadron on the Coast of Africa.

No. 18.

No. 15.] UNITED STATES FLAG-SHIP "CONSTELLATION,"
Monrovia, October 26, 1859.

SIR: I have the honor to submit herewith copies of five letters, consisting of my letter to the executive of Liberia, the reply thereto by the secretary of state, and my rejoinder; on the same subject is my letter of advice to the Rev. John Seys, agent of the United States to receive and provide for negroes captured by the vessels of the United States, and his reply. In accordance with the above documents, I have added to my "circular order" of the 14th instant a note directing Africans that may be recaptured by the squadron under my command to be brought to this port and placed in the care of the United States agent appointed for that purpose.

I am, sir, very respectfully, your obedient servant,

WM. INMAN,
Flag-Officer, Commanding African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

UNITED STATES FLAG-SHIP "CONSTELLATION,"
Monrovia, October 23, 1859.

SIR: I am about to employ several steamers for the suppression of the slave trade on the west coast of Africa. It is probable that slaves may be found in captured vessels. Humanity forbids the idea of sending such slaves across the ocean to a country remote from their own with the inevitable loss of life attending the voyage; I have therefore felt it incumbent upon me to address the president of this republic to know if his government will receive under its protection such recaptured Africans.

Being without authority to enter into any stipulation whatever involving expenditure for the above object, I respectfully request to be favored with your excellency's views in regard to it.

I am, very respectfully, your excellency's obedient servant,

WM. INMAN,
Flag-Officer, Commander-in-chief United States Naval Forces on the West Coast of Africa.

His Excellency S. A. BENSON,
President of the Republic of Liberia, Monrovia.

A true copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

DEPARTMENT OF STATE,
Monrovia, October 25, 1859.

SIR: I have the honor to acknowledge the receipt of your communication of the 23d instant, addressed to the president of Liberia, in which you convey the information of your being "about to employ several steamers for the suppression of the slave trade on the west coast of Africa;" and you suggest the probability that "slaves may be found in captured vessels." You also very properly remark that "humanity forbids the idea of sending such slaves across the ocean to a country remote from their own with the inevitable loss of life attending the voyage;" and therefore you have felt it incumbent upon you to address the president of this republic to know if his government will receive under its protection such recaptured Africans.

And you remark, further, that, "being without any authority to enter into any stipulations whatever involving expenditure for the above object, you request to be favored with his excellency's views in regard to it."

In reply, I have the honor to communicate to you the views of the president in relation to the very important matter contained in your communication, and to convey to you the very pleasing gratification he derives in the fact of your intention of employing steam vessels for the suppression of a traffic which is repulsive to every feeling of humanity, and revolting to the Christian world.

He cannot, on this occasion, forbear the expression of his sense of the justice and magnanimity of the government of the United States in the noble exertions it is making for the abolition of a commerce which has for a number of years been successfully prosecuted in desecration of its flag; and he earnestly hopes that you may succeed in your noble efforts in destroying the band of pirates who have for so long a time, under the colors of your nation, carried on with impunity the revolting traffic.

The republic of Liberia is an asylum for the African race. In planting on these shores infant settlements, it was contemplated that they would in time afford succor and protection to many of our heathen brethren who might be rescued from the grasp of the inhuman trader. Such has been the case in numerous instances; and thousands of recaptured Africans are now citizens of this republic, and they are enjoying all the rights and privileges which its liberal constitution grants to every individual living within its operation. To your question, then, the president gives an unqualified affirmative. He will receive any recaptured Africans that you may send to the republic, and extend to them every protection which their condition may require. They will be fed, clothed, nursed, and schooled for and during the term of one year, dating from the time of their landing at this port; after the expiration of the year they will, under the laws made and provided for in such cases, be apprenticed to responsible persons, who will be bound to teach them useful trades. After the expiration of their apprenticeship they will be allotted suitable lands as are granted to emigrants from the United States.

Emigrants sent to Liberia by the American Colonization Society are supported by that society during their acclimation—that is, for at least six months after their arrival; they receive house room, medical attention, and any other reasonable assistance during that period. If it has been found necessary to make such a provision for emigrants born and reared in the midst of civilization and christianity, how very absolutely important and necessary it must be that provision should be made for the proper care, training, and support of savages!

It is to be kept in view that recaptured Africans are landed from slave vessels in a state of nudity; their condition generally is most wretched; they are sick, emaciated, and very often are as helpless as infants; the utmost care and attention must be given them for months after landing before they can perform any ordinary service for themselves.

The president of Liberia has instructed me to lay these facts before you, and he feels confident that you will readily acknowledge the propriety and necessity of proper provision being made by the United States government for the support of recaptured Africans landing in Liberia from vessels captured by cruisers of the United States.

This government, although willing and anxious to receive all such recaptured Africans, is unable to afford them any support; at present its resources are too limited to attempt an expenditure for any such purpose; nor does he believe that the government of the United States would, under any circumstances, require of this government to take the care and support of such Africans in its own hands.

ıe philanthropy which influenced the United States to make the
al provision it did for the proper care, support, and training of
Echo's recaptives still exists, and no reason has been assigned
such provision shall not be expected in future under similar cir-
stances.
have, therefore, to communicate to you the expectation of the
ident in the matter. He will entertain no other idea than that
United States government will support for one year all recaptured
cans captured by the United States cruisers and landed in Liberia;
if it has not already been done, he hopes soon to learn that
uctions have been sent out by the United States government to
end.
have the honor to be, sir, your most obedient, humble servant,

I. N. LEWIS.

ɔmmodore Wm Inman,
Commander-in-chief of the United States
Naval Forces on the West Coast of Africa.

true copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

United States Flag-Ship "Constellation,"
Monrovia, October 26, 1859.

R: I have received from the secretary of state of Liberia an ac-
wledgment dated, 25th instant, of the letter I had the honor to
ess to you on the 23d instant, inquiring what were the views of
government as to receiving under its protection such Africans as
be recaptured by the United States vessels engaged under my
mand for the suppression of the slave trade. The very humane
liberal views of your excellency, set forth in the paper of your
tary of state, have afforded me much satisfaction. I find therein
y readiness to receive recaptured Africans. I find also established
an official agent sent by the government of the United States
he express purpose of receiving and providing for such Africans,
irtue of the 2d section of the law of the United States bearing
March 3, 1819.
shall therefore direct that any Africans that may be recaptured
he vessels under my command shall be brought to this place and
ed in the care of the United States agent appointed for that
ɔose.

I am, very respectfully, your obedient servant,

WM. INMAN,
Commander-in-chief of the U. S. Naval Forces
on the African Station.

is Excellency S. A. Benson,
President of the Republic of Liberia, Monrovia.

true copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

UNITED STATES FLAG-SHIP "CONSTELLATION,"
Monrovia, October 26, 1859.

SIR: I have made to the executive of Liberia a communication asking its views as to receiving under its protection Africans that may be recaptured by the squadron under my command. The reply thereto has expressed a philanthropic readiness to receive such Africans.

I have seen the commission you hold from the government of the United States appointing you to receive and provide for such recaptured Africans.

I shall therefore direct that the vessels under my command shall bring to this port any slaves that are found on board American vessels on this coast, and that they inform you or your successor of their arrival; after which, when you are ready to receive them, they will land and deliver up to you such slaves taking for them triplicate receipts specifying the men, women, and male and female children.

I am, sir, very respectfully, your obedient servant,

WM. INMAN,
Flag-Officer, Commanding U. S. African Squadron.

Rev. JOHN SEYS,
U. S. Agent to Receive Recaptured Africans,
Monrovia.

True copy.

GEO. A. BORCHEST,
Aid and Secretary pro tem.

UNITED STATES AGENCY FOR LIBERATED AFRICANS,
Monrovia, October 26, 1859.

SIR: I have the honor to acknowledge the receipt of your despatch of this date, in which you have the kindness to inform me of the correspondence which you have had with the executive of Liberia in reference to liberated Africans, and of your intention to send to this port the slaves that may be captured by the squadron under your command. I beg leave to assure you that, by virtue of the commission I hold from the government of the United States as agent for liberated Africans, and which I took pleasure in submitting for your perusal, I shall most readily receive all such recaptured slaves as you may see fit to send to Liberia, and make such provision for their immediate and future maintenance and protection as my commission will justify, and as will harmonize with the views of the government of this republic.

I have the honor to be, with distinguished consideration, your most obedient servant,

JOHN SEYS,
U. S. Agent for Liberated Africans.

WM. INMAN, Esq.,
Commanding U. S. African Squadron.

True copy.

GEO. A. BORCHEST,
Aid and Secretary pro tem.

No. 19.

UNITED STATES FLAG-SHIP "CONSTELLATION,"
Shark's Point, mouth of Congo river, Africa,
November 21, 1859,

SIR: I have the honor to report the arrival of the flag-ship at this place. All well.

As this is a secure anchorage, near the centre of the slave trade, as now supposed to exist, from which the vessels of the squadron may radiate with alacrity to any desirable point, I propose to assemble several of them here for a short time, during which the court-martial will probably be held, as ordered by the department on the 4th August last. In the meantime rigid inspections will be made of the condition of all vessels present, as for order and efficiency in every department, and I hope to excite in each a strong emulation to excel the other.

The cruising ground and tour of relief for every vessel being also accurately determined and ordered, I shall proceed to St Paul de Loando and arrange definitely the depot for stores according to my instructions. The storeship "Supply," with the naval storekeeper on board, will have arrived there in readiness to furnish provision, &c., to the vessels of the squadron.

I am, sir, very respectfully, your obedient servant,

WM. INMAN,
Flag-Officer, Commanding U. S. Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

True copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

No. 20.

No. 23.] UNITED STATES FLAG-SHIP "CONSTELLATION,"
St. Paul de Loando, December 13, 1859.

SIR: I have the honor to submit duplicates of my letters to the president of Liberia, with his replies and my rejoinder, together with my letter to Rev. John Seys, and his reply, on the subject of recaptured Africans.

In this package are included duplicates of my letters to Admiral Grey and Governor General Gandara, originals of all which have been sent previously.

I am, very respectfully, your obedient servant,

WM. INMAN,
Flag-Officer, Commanding U. S. African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

UNITED STATES FLAG-SHIP "CONSTELLATION,"
Monrovia, October 24, 1859.

SIR: Flag-Officer Conover, my predecessor in command of the United States naval forces on the west coast of Africa, returned home early in August. Your official letter to him, dated 21st of March last, reached me at Porto Praya on the 3d instant.

I take the earliest opportunity to acknowledge its receipt, as for him. It is not necessary that I should reply to your courteous remark upon the incident between Commodore Wise and Commander McBlair. The useful suggestion in the succeeding paragraphs of your communication has induced me to insert in a "circular order" a clause of which I beg leave to enclose a copy. The commanders of the United States cruisers on this station have been recently enjoined to cooperate with her Majesty's ships whenever it may be mutually desirable to do so. I avail myself of this occasion to mention that four steamers have been added to the forces under my command. These will be vigorously employed for the present on the south coast, and I am gratified that the disposition of the vessels of the United States for the suppression of the slave trade is such as may afford you satisfaction. The correspondence between Commander Thomas W. Brent, of the United States sloop "Marion," and Lieutenant Commander R. H. Burton, of her Majesty's ship "Triton," relative to the detention by the latter of the American bark "Orion," of New York, near the river Congo, in April last, was submitted to the Hon. Secretary of the Navy of the United States, by Commander Brent, in a letter dated April 23, 1859.

You have doubtless been similarly informed, and I await instructions from the government of the United States on that subject. The depot of provisions for the squadron of the United States on this station is to be immediately removed from Porto Praya, Cape de Verde islands, to St. Paul de Loando, west coast of Africa. Should you be pleased to make to me a communication, it will come more readily if addressed to the care of the consul of the United States at that place.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM INMAN,
Flag-Officer, Commander-in-chief of the U. S. Naval Forces on the West Coast of Africa.

Rear Admiral Sir FRED. W. GREY,
Commander-in-chief of her Majesty's Squadron, &c., &c.,

True copy.

GEO. A. BORCHEST,
Aid and Secretary pro tem.

UNITED STATES FLAG-SHIP "CONSTELLATION,"
West Bay, Princes Island, November 9, 1859.

SIR: I avail myself of the earliest occasion to express to your excellency the gratification with which I have learned the several graceful and kind offices which you have been pleased to render in furtherance of the interests of the government of the United States intrusted to my charge.

I shall promptly advise my government of my obligation to you therefor, and it will be my pleasure to reciprocate your goodness, when it may be in my power to do so.

God keep your excellency many years.

I have the honor to be your most obedient servant,

WILLIAM INMAN,
Flag-Officer, Commander-in-chief of the U. S. Naval Forces on the West Coast of Africa.

His Excellency Brig. Gen JOSÉ DE LA GANDARA,
Governor of the Spanish possessions in the Gulf of Guinea, Fernando Po.

True copy.

GEO. A. BORCHEST,
Aid and Secretary pro tem.

No. 21.

No. 29.] UNITED STATES FLAG-SHIP "CONSTELLATION,"
St. Paul de Loando, December 15, 1859.

SIR: I have the honor to furnish a copy of my letter to Sir Drummond Hay, governor of the island of St. Helena, which I despatched yesterday by the Mystic, Lieutenant Commanding Wm. E. Le Roy. I enclose also a copy of my order to Lieutenant Commanding Le Roy, directing him to proceed on that service.

With those papers the department will have fully before it the subject now submitted, except perhaps what follows, viz:

The Orion was captured by the Marion, Commander Brent, in April last; she was taken to the United States, and released by the court in New York, and returned to this coast with the same cargo, the chief mate having become captain.

She was visited, in the mouth of the Congo river, on the 22d of last month by Captain Nicholas of this ship, and her papers found correct, but was considered liable to much suspicion from her outfit and cargo, which was borne on her manifest. However, she was not detained, as the court in the United States had released her.

The vessels of this squadron were necessarily withdrawn for a few days from the Congo, and during that interval the Orion took on board 800 slaves, and was shortly afterwards captured by her Majesty's

steamer Pluto, doubtless having thrown her colors and papers overboard, as is the practice in such cases.

Her Majesty's steamer Triton arrived here on the 13th instant, by whose commander we heard of the late capture of the Orion.

I have considered that the captain and crew of the Orion are Americans, captured while committing an act of piracy, by a British cruiser, and thus come fairly within the intent of the 10th article of the treaty between the United States and Great Britain, made on the 9th day of August, A. D. 1842.

I am, sir, very respectfully, your obedient servant,

WILLIAM INMAN,
Flag-Officer, Com'g United States African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

True copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

UNITED STATES FLAG-SHIP "CONSTELLATION,"
St. Paul de Loando, December 14, 1859.

SIR: I enclose herein a copy of the 10th article of the treaty concluded between the United States of America and Great Britain on the 9th day of August, A. D. 1842.

By virtue of the authority vested in me by said treaty, I respectfully request that your excellency will cause to be delivered up to Lieutenant Commanding Wm. E. Le Roy, commander of the United States steamer Mystic, under my command, the persons of the captain, officers, and crew of the bark Orion, of and from New York, lately captured by her Majesty's steamer Pluto, said bark having on board a large number of African slaves, contrary to the law of the United States which defines such traffic as piracy.

I am, sir, very respectfully, your obedient servant,

WILLIAM INMAN,
Flag-Officer, Com'g United States African Squadron.

His Excellency Sir DRUMMOND HAY,
Governor of the Island of St. Helena, &c., &c., &c.

True copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

UNITED STATES FLAG-SHIP "CONSTELLATION,"
St. Paul de Loando, December 14, 1859.

SIR: You will forthwith proceed with the "Mystic" to the island of St. Helena, with the least delay consistent with prudent care of your vessel and her engine. The object of your visit to St. Helena is to reclaim from the governor, Sir Drummond Hay, the persons of

the captain, officers, and crew of the bark "Orion," late of New York, captured a few days since near this coast, being there engaged in an act of piracy, according to the laws of the United States—a large number of African slaves being found on board. You will take such measures as may be lawful to authenticate the facts of the case by your own testimony or that of Lieutenant Garland, and you will comply with all just requirements of the 10th article of the treaty concluded between the United States and Great Britain on the 9th day of August, A D. 1842. This reclamation is made in pursuance of said 10th article, and you will be prepared to meet all proper expenses in compliance with the requirements of said treaty.

My letter to Sir Drummond Hay, with its enclosure, will be given to you open.

The object thereof is to enable you to exhibit it to her Majesty's officer in charge of the "Orion," in case you fall in with her on your way. It is hoped you may do so; in which event, if such ship's company of the "Orion" are surrendered to you, you will, if desired, receipt for them, and take every proper means to identify them by record, and to establish the chain of evidence of their guilt—such as an authenticated copy of the log of the "Orion" when captured, and (if you can obtain it) that of the "Pluto," which may relate to the circumstances attending the capture.

Immediately after performing this service you will return to this port, looking out sharply for slavers on your way to and from the island, which you will not visit if you meet and receive from the "Orion" her officers and crew. On your return you will strike the parallel of latitude of Loango bay, at a distance of fifty miles from the land, and then make your way to this place, keeping about that distance from the shore until you are fully as far south as Maxula, when you will shape your course for Loando.

I am, very respectfully, your obedient servant,

WILLIAM INMAN,
Flag-Officer, Commanding U. S. African Squadron.

Lieutenant Commanding WILLIAM E. LE ROY,
United States Steamer "Mystic."

True copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

No. 22.

No. 36.] UNITED STATES FLAG-SHIP "CONSTELLATION,"
St. Paul de Loando, January 13, 1860.

SIR: I had the honor to address the department, dated Loando, December 15, 1859, sent per bark "Ann and Mary," from Loando, December 17, 1859, for Boston, duplicate per prize brig "Delicia," at sea, December 21, 1859. I sent therewith copies of my letter of demand upon Sir E. H. Drummond Hay, governor of the island of St.

Helena, for the persons of the captain and crew of the bark "Orion," late of New York, captured, without colors or papers, by her Majesty's steamer "Pluto," the "Orion" having on board 874 slaves. I also sent duplicate copies of my letter of instructions to Lieutenant Commanding Le Roy, of the "Mystic," which sailed on that service on the 14th December, 1859.

I have the honor to report the return of the "Mystic" to-day. Lieutenant Commanding Le Roy has successfully performed the duty assigned him, having brought the persons reclaimed; also, as passengers to this coast, Mr. Lamb, gunner of the "Pluto," and fourteen of her crew, who conducted the prize "Orion" to St. Helena.

The persons reclaimed and surrendered are Thomas Morgan, captain, and William Dunning and Byron J. Chamberlain, mates, of the "Orion," who were subjected to legal investigation at St. Helena, then given in charge to the commander of the "Mystic," and are now on board the flag-ship—they will be sent to the United States in the "Vincennes" or storeship "Supply." One or more of the officers of the "Mystic" who were, for a time, employed on board the "Orion," previous to her capture, will come in the same vessel as witnesses.

* * * * * * * * *

I am, very respectfully, your obedient servant,

WILLIAM INMAN,

Flag-Officer, Commanding U. S. African Squadron.

Hon. ISAAC TOUCEY,

Secretary of the Navy, Washington, D. C.

No. 23.

No. 45.] UNITED STATES FLAG-SHIP "CONSTELLATION,"

St. Paul de Loando, February 4, 1860.

SIR: I have the honor to submit herewith a copy of a statement made by Lieutenant Commanding Charles S. McDonough and Passed Assistant Surgeon J. H. Otis, of the United States steamer "Sumpter," as to an unauthorized visit on board an American vessel by a British cruiser.

I have addressed to Captain R. W. Courtenay, the British senior officer on this part of the coast, a letter on this subject, a copy of which I enclose.

I am, very respectfully, your obedient servant,

WILLIAM INMAN,

Flag-Officer, Commanding U. S. African Squadron.

Hon. ISAAC TOUCEY,

Secretary of the Navy, Washington, D. C.,

UNITED STATES FLAG-SHIP "CONSTELLATION,"
St. Paul de Loando, February 4, 1860.

SIR: I enclose a copy of a statement made by Commander Fitz Roy, of her Majesty's ship "Falcon" to Lieutenant Commanding C. S. McDonough, of the United States steamer "Sumpter," and again in presence of Assistant Surgeon J. H. Otis, of the latter vessel.

I expect to receive from her Majesty's senior officer on this part of the coast, at the earliest practicable moment, a refutation of the above statement, or the official evidence of marked disapproval of the conduct of Commander Fitz Roy, if it be true.

Such unwarrantable interference with the rights of American citizens on this coast will not be permitted, and will be promptly repressed.

The government of the United States will be immediately apprised of the circumstances above related.

I am, very respectfully, your obedient servant,

WILLIAM INMAN,
Flag-Officer, Commander in-chief United States Naval Forces on the West Coast of Africa.

Captain R. W. COURTENAY,
Her Majesty's Ship "Archer," senior officer on the South Coast of Africa.

True copy.

A. VANDEL HEUVEL,
Flag-Officer's Secretary.

Statement of Commander Fitz Roy, commanding her Britannic Majesty's ship "Falcon."

FERNANDO PO, *January* 21, 1860.

That about the 12th January, off Adaffe, he boarded the American brig "Jehossee," opened her hatches, and saw her slave deck laid. The captain, Hambleton, of the "Jehossee" refused to haul down his colors, and also to be present at the opening of the box containing his papers. Commander Fitz Roy sent for his armorer, and, having picked the lock, found his papers all right; the lock was then re-secured by his armorer.

Commander Fitz Roy then left, leaving a prize crew on board. The following day he fell in with her Britannic Majesty's ship "Medusa," Commander Bowden, who ordered Commander Fitz Roy to recall his crew, and suffer the "Jehossee" to proceed.

This statement Commander Fitz Roy made to me on board the "Falcon," also in the presence of Doctor Otis, of this vessel, on shore.

C. S. McDONOUGH,
Lieutenant Commanding.
J. H. OTIS,
Passed Asst. Surgeon U. S. Steamer "Sumpter."

True copy.

A. VANDER HEUVEL,
Flag Officer's Secretary.

No. 24.

No 46.] UNITED STATES FLAG-SHIP "CONSTELLATION,"
(*At sea,*) *February* 13, 1860.

SIR: With my letter, No. 45, dated Loando, February 4, 1860, I had the honor to forward a copy of my letter to Captain R. W. Courtenay, her Majesty's senior officer on the south coast, accompanied by a copy of a statement of Lieutenant Commanding Charles S. McDonough and Passed Assistant Surgeon J. H. Otis, both of the United States steamer "Sumpter," as to an unauthorized visit to an American vessel by a British cruiser.

Herewith I submit a copy of the reply of Captain Courtenay, and my rejoinder; also a copy of a letter from Captain Courtenay, informing me of his expected departure from this station, and my reply thereto.

I enclose herein a copy of a letter which I have addressed to Commodore William Edmonstone, commanding her Majesty's forces on the south coast, accompanied by copies of a letter from Commander Hewett, of her Majesty's steamer "Viper," to Commander Colhoun, of the United States ship "Portsmouth," and of the reply of the latter. Copies of those two letters are also sent herewith.

I am, very respectfully, your obedient servant,

WM. INMAN,
Flag-Officer, Comd'g U. S. African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

HER BRITANNIC MAJESTY'S SHIP "ARCHER,"
Fonda Bay, February 9, 1860.

SIR: I have the honor to enclose a copy of the return sent to me of vessels suspected of being engaged in the slave trade.

I beg to inform you that I am about, from ill health, to give up the command of the "Archer," and shall probably proceed, by the "Pluto," to Ascension.

I am sending the "Viper" to Lagos, where I hope she will meet the British commodore. I have forwarded to him your letter, with my reply, concerning the "Falcon," and would suggest that, should

you have any communication of importance to make, it would be as well to write to Commodore Edmonstone by her.

The "Falcon" is on her way to this part of the station. On his arrival, Commander Fitz Roy will be the senior officer.

I have the honor to be, sir, your most obedient servant,

R. W. COURTENAY,
Captain.

Flag-Officer WILLIAM INMAN,
Commander-in-chief United States Squadron.

True copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

UNITED STATES SHIP "CONSTELLATION,"
St. Paul de Loando, February 11, 1860.

SIR: I have received your letter of the 9th instant, with a copy of a late list of suspected vessels, for which be pleased to receive my thanks.

I regret to learn that your ill health will cause you to relinquish the command of the "Archer."

I avail myself of your suggestion to send by the "Viper" a communication to Commodore Edmonstone. I also note your remark that Commander Fitz Roy, in the "Falcon," is on his way to this part of the station, and that he will be the senior officer. I hope your return to England may benefit your health.

I am, very respectfully, your obedient servant,

WILLIAM INMAN,
Flag-Officer, Commander-in-chief U. S. African Squadron.

Captain R. W. COURTENAY,
Her Majesty's Steamer "Archer,"
Senior Officer on the South Coast of Africa.

True copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

UNITED STATES FLAG-SHIP "CONSTELLATION,"
St. Paul de Loando, February 11, 1860.

SIR: I have received from Commander Hewett, of her Majesty's ship "Viper," your letter dated "9th of November, 1860," probably intended for the 9th of February, 1860.

By that letter I am informed that the "Falcon," Commander Fitz Roy, is not under your orders, but subject to those of Commander Bowden, of the "Medusa;" that the order of the latter to Commander

Fitz Roy to deliver up the "Jehossee" to her captain is official evidence of marked disapproval of the conduct of Commander Fitz Roy.

You are also pleased to mention that if the verbal statement, of which I furnished you a copy, be the whole truth, you do not hesitate to say that the act of Commander Fitz Roy "was in direct disobedience to his orders, and he will most certainly meet with the severe displeasure of the British government."

You conclude your letter as follows: "I am sorry you should think it necessary to use what appears to me to be a somewhat unseemly threat. Be assured, sir, that no interference with the rights of American citizens will be countenanced by the British government, and that ample satisfaction will be given for any unwarrantable act on the part of a naval officer."

The expression I used was not intended as an unseemly threat, but was meant to convey a distinct impression of the requirement of my duty, without discourtesy to those intrusted with the interests of her Majesty on this coast.

I am, very respectfully your obedient servant,

WILLIAM INMAN,
Flag-Officer, Commander-in-chief U. S. Naval Forces on the West Coast of Africa.

Captain R. W. COURTENAY, *R. N.*,
Her Majesty's Steamer "Archer,"
Senior Officer on the South Coast of Africa.

True copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

HER MAJESTY'S SHIP "ARCHER,"
November 9, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of February 4, enclosing a copy of a statement made by Commander Fitz Roy, of her Majesty's ship "Falcon," to Lieutenant Commander McDonough, of the United States steamer "Sumpter," and again in presence of Assistant Surgeon J. H. Otis, of the latter vessel.

You call upon me for a refutation of the above statement, or the official evidence of marked disapproval of the conduct of Commander Fitz Roy, if it be true.

As I have no information in this matter except that contained in the verbal statement forwarded by you, it is impossible for me to refute it. And I do not hesitate to say that if it be the whole truth, the act of Commander Fitz Roy was in direct disobedience to his orders, and he will most certainly meet with the severe displeasure of the British government.

The "Falcon" is not under my orders, but under those of Commander Bowden, her Majesty's ship "Medusa," the senior officer in the Bights, who, by his order to Commander Fitz Roy to deliver up the "Jehossee" to her captain, gives, that which you demand, an

official evidence of marked disapproval of the conduct of Commander Fitz Roy.

You state that "such unwarrantable interference with the rights of American citizens on this coast will not be permitted, and will be promptly repressed." I am sorry you should think it necessary to use what appears to me to be a somewhat unseemly threat. Be assured, sir, that no interference with the rights of American citizens will be countenanced by the British government, and that ample satisfaction will be given for any unwarrantble act on the part of a naval officer.

I have the honor to be, sir, your most obedient servant,

R. W. COURTENAY, *Captain.*

Flag-Officer WM. INMAN,
Commander-in-chief United States Squadron.

True copy:

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

UNITED STATES FLAG SHIP "CONSTELLATION,"
St. Paul de Loando, February 11, 1860.

SIR: I enclose herein a copy of a letter from Commander Hewett, of her Majesty's steamer "Viper," to Commander Colhoun, of the United States sloop "Portsmouth," with the reply of the latter.

I desire to bring to your notice the detention by Commander Hewett of the "Virginian," a vessel with American colors and papers.

Commander Hewett writes of the grave responsibility which he has thus assumed. I cannot admit the propriety of the course pursued by Commander Hewett in that case; and I hope that at your early convenience you will disclaim his authority for such a proceedure.

I am, very respectfully, your obedient servant,

WILLIAM INMAN,
Flag-Officer, Commander-in-chief U. S. Naval Forces on the West Coast of Africa.

Commodore WILLIAM EDMONSTONE,
Commanding her Majesty's Forces on the Coast of Africa.

True copy.

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

HER BRITANNIC MAJESTY'S STEAM SLOOP "VIPER,"
At sea, February 4, 1860.

SIR: I have the honor to acquaint you that there is at present in the Congo river a brigantine suspected by me of fraudulently assuming the flag of the United States.

My reasons for so suspecting are these: On my arrival in the Congo

I received information that a brigantine was up the river, and that 560 slaves had been carried over from St. Antonio's creek to the north side of the Congo for the purpose of being shipped in the said brigantine; that there was on board a Portuguese who had made several successful voyages; and that the vessel was in every way ready to receive her human freight.

On this information I proceeded up the river, and at Punta da Linha found a brigantine at anchor off a notorious slave factory. She displayed the flag of the United States, and on my proceeding on board I asked the master if he would show me his register; the document he produced described a brig called the "Virginian," of 220 tons, whilst this vessel was a brigantine of between 150 to 180 tons; feeling assured that the register did not belong to the vessel, I asked him several questions as to where he came from, and what his cargo was; to these questions he gave most unsatisfactory answers and was very nervous, and informed me that he was entirely under the orders of the Portuguese supercargo; that he had no idea what cargo he was to take back, and that if the register was incorrect it was the supercargo's fault, as he had nothing to do with it.

The crew knew nothing of the proceedings of the brigantine, as they all shipped for Monrovia, the mate informing me himself he had signed no articles and that his name was not on the crew list.

Under all these circumstances and thinking him not justly entitled to carry the flag of the United States, I took upon myself the grave responsibility of temporarily detaining him, leaving a boat in charge of a lieutenant of this ship, and thus enable me to come to this place and communicate the same to you.

I have the honor to be, sir, your most obedient servant,

W. N. W. HEWETT,
Commander.

J. COLHOUN, Esq.,
Commander United States Corvette Portsmouth.

True copy:

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

UNITED STATES SHIP PORTSMOUTH,
At sea, February 4, 1860.

SIR; I have to acknowledge your communication of this date, relative to the detention of the American brigantine *Virginian* under suspicious circumstances.

As all cases of this nature have to be referred to the flag-officer commanding the United States naval forces on this station, I will accordingly enclose your letter to Flag-Officer Inman, now at St. Paul de Loando.

In the meantime I accept with pleasure your proposition to convey,

in the ship under your command, the officers and boat's crew from this ship to Punta da Linha, for the purpose of further investigation.

I am, very respectfully, your obedient servant,

JNO. COLHOUN,
Commander.

Commander W. N. W. HEWETT,
Commanding her Britannic Majesty's Ship Viper.

True copy:

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

No. 25.

NAVY DEPARTMENT, *March* 27, 1860.

SIR: To render the African squadron more efficient for the purpose for which it is maintained on the coast of Africa, the limits of its cruising ground towards the north will hereafter be restricted to the 20th parallel of north latitude. You will regard your instructions of the 6th of July last as modified to conform to this order. No vessel will leave the cruising ground without special permission of the department.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer WILLIAM INMAN,
Commanding United States Squadron, Coast of Africa.

No. 26.

NAVY DEPARTMENT, *April* 13, 1860.

SIR: The department is in possession of your despatches to No. 45. inclusive. The last number with enclosures in relation to the boarding of the American brig Jehossee by the commander of her Britannic Majesty's ship Falcon, having been referred to the honorable Secretary of State, he has informed the department that the matter will be brought to the attention of the British government.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer WILLIAM INMAN,
Commanding African Squadron, St. Paul de Loando.

No. 27.

NAVY DEPARTMENT, *May* 19, 1860.

SIR: Herewith you will receive a copy of a communication from the United States consul general at Havana, addressed to the Department of State, and a copy of the reply of the Attorney General thereto, in regard to the suspicious character of the ship "Erie," of New York, and touching the clearance of American vessels from the port of Havana, which warrants the suspicion that they are destined for an illegal traffic.

The department desires you to give such directions as the subject may require.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer WM. INMAN,
Commanding African Squadron, Fernando Po.

No. 18.] CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, April 11, 1860.

SIR: The ship "Erie," of New York, arrived at this port from Liverpool, *via* Shields, on the 20th day of January last, with a cargo of coal. This ship had been dismasted somewhere on the coast of England, and the captain had taken up some $4,000 on bottomry, to be paid ten days after his arrival at this port. This amount he could not arrange, and for several months remained here under great excitement, awaiting authority to draw on the owner, at New York, being himself the owner of one-fourth of the vessel. During this time five of the crew deserted. On the 17th ultimo the captain, Gilbert A. Rundson, retired from the command, giving as the reason that he was old, sick, had chartered his vessel, and that it was necessary he should proceed immediately to New York, to attend to his business there, when Nathaniel Gordon was appointed master of the ship. On the 21st day of March six of the crew were discharged by me, at their own request. Five of them, being foreign seamen, shipped in a foreign port to come to Havana, were discharged without extra wages. The sixth, being shipped as an American, I exacted three months' extra wages for him. Captain Gordon then gave me notice that he was loading his vessel with a legal cargo for a legal voyage to the coast of Africa, under a charter from Captain Rundson to Messrs. Hamel & Co., when a crew of twelve seamen were shipped on the vessel, six Americans and six foreigners, three of the old crew remaining on board, making in all fifteen persons.

I have been thus minute in the history of this vessel because I then and still very strongly suspect her as despatched for a cargo of slaves. And on the 25th of March wrote a private note to Captain Maffit, of the United States steamer "Crusader," requesting him to come to Havana. This note was directed to Key West, where I expected the

"Crusader" would probably be at that time, but have not heard from Captain Maffitt. On the 7th instant the captain of the ship "Erie," having previously cleared the vessel at the custom-house here, applied for his papers. I detained the ship until the 9th, but having no evidence that the vessel had been sold, or that she was intended for the slave trade, beyond the fact that all vessels clearing from this port for the coast of Africa turn out slavers, and that the cargo was such as might be taken for legal traffic, or might be used in the slave trade, upon the captain filing the following affidavit, I concluded to give him the ship's papers:

"I, Nathaniel Gordon, master of the ship "Erie," of New York, do solemnly swear that my said ship is chartered for a legal voyage to the coast of Africa; that the cargo on board is legal, and such as is described in the manifests; that no cargo, or article of any description, has been taken on board of said ship except by special permits granted by the collector of customs at this port, the contents of each article or package being described to him, and by him described in his permits before being taken on board; and I further swear that I will not, during the voyage, engage in any unlawful trade, or permit the said ship to be engaged in any trade which is prohibited by or contrary to the laws of the United States of America. I further state that the said ship has not been sold at this port, to my knowledge.

"NATH'L GORDON.

"Subscribed and sworn to before me the date above.

"C. H. HELM,

"*United States Consul General.*"

Though I am morally convinced this vessel, if not taken, will bring a cargo of African negroes to Cuba, I am equally convinced that if I detained her here every person connected with her would asseverate that she was intended for legal trade; and if there be a legal commerce between this and the coast of Africa, and between the coast of Africa and the United States, I am of opinion that I have no right under the law to detain her after being regularly cleared at the custom-house here, and complying with all rules and regulations of this port, unless the vessel had been sold, of which there is no evidence, and if true, the probability is that the fact could never be established. These cases give much trouble and great vexation. The Spanish government, by granting the clearance, that there is, *at least*, *prima facie* evidence that the cargo and voyage are legal, and with less facilities for obtaining the facts in the case, I must, if I detain the vessel, rebut this evidence, which I can seldom or never do. In my despatch, No. 34, dated December 27, 1858, I remarked that "In the absence of any instruction from the department in reference to the power of a consul to detain vessels suspected as being fitted out for the slave trade at the several ports of this island, or of the proof necessary to justify such detention, or of his duties and powers touching such vessels and their crews after such detention, and of the total absence of any, the slightest intimation from the department as to what is expected from the consul in any case which may arise, constant embarrassments are met with, which

are not relieved by the several enactments of Congress for the suppression of the slave trade. The law is very full and meets every possible case where the vessel has been fitted out in any of the ports of the United States, or where vessels are detected in transporting negroes from one foreign port to another, or from a foreign port to any of the ports of the United States, but is silent as to their being fitted out or equipped in a foreign port for this illegal traffic, or of the duties of consuls touching the subject. Though willing to assume any responsibility in the performance of my duties, yet it strikes me as important, in view of the various serious questions which may grow out of the construction of treaty stipulations and of national obligations as affecting this subject, that there should be some general rules established by the department or by the Attorney General for the guidance of consuls in this island; and I have very respectfully to request that such instructions be given as will enable me to comprehend the views and wishes of the government in reference to my future action in the premises." To that despatch I have received no reply. I have now, very respectfully, to suggest, as the best mode to relieve the government of the United States from all responsibility on account of the slave trade, by vessels which sail from Cuba, and throw the *onus* on the Spanish government, where it of right belongs, that I be instructed to give notice to the captain general that all American vessels cleared at the custom-house here will be despatched at this office, as it is believed the Spanish government has better and greater sources of information as to their object and destination, or connexion with the slave trade, than the consul general of the United States can possibly have, and is equally interested in suppressing this inhuman traffic as the United States, and that she will not clear a vessel believed to be engaged in a traffic which she is bound by her own laws and by treaty stipulations to suppress.

Such a course would, perhaps, do more towards suppressing the slave trade than any effort which our government could make, as her officials here are powerless, while those of Spain are clothed by law with complete authority over the subject; and should Spain do nothing to prevent the slave trade with Cuba, England then might be compelled to direct her attention to Spain, instead of making her sham attacks upon the United States.

I have the honor to be, very respectfully, your obedient servant,

CHAS. J. HELM.

Hon. LEWIS CASS,
Secretary of State, Washington.

ATTORNEY GENERAL'S OFFICE, *May* 3, 1860.

SIR: There is no statute which requires an American consul in a foreign port to retain the papers of vessels which he may suspect are destined for the slave trade. If this power be not given by law, the want of it cannot be supplied by departmental regulation. When Congress enumerated the grounds upon which a consul might detain

the papers of a ship in a foreign port, this was omitted no doubt for satisfactory reasons. If the commander and crew are bent on a piratical voyage, measures much stronger than this will be required. In such a case the vessel may be seized and sent into the United States for such proceedings as will not only break up the voyage, but condemn the vessel and punish the crew and officers as criminals. The naked right to detain vessels would be of little avail without the presence of some naval force to carry it into effect; and when such naval force is present, the commander can do all that is necessary under existing laws without any warrant from a consular officer.

Very respectfully, yours,

J. S. BLACK.

Hon. LEWIS CASS,
Secretary of State.

No. 28.

No. 78.] UNITED STATES FLAG-SHIP CONSTELLATION,
West Bay, Prince's Island, June 25, 1860.

SIR: Herewith I have the honor to transmit a copy of a letter, dated 16th December, 1859, addressed to Flag-Officer Conover, by Sir Frederick William Grey, rear admiral, commander-in-chief of her Majesty's ships, coast of Africa.

I have acknowledged the receipt of the admiral's letter.

I am, very respectfully, your obedient servant,

WILLIAM INMAN,
Flag-Officer, Commanding United States African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

HER BRITANNIC MAJESTY'S SHIP BOSCAWEN,
In Simon's Bay, December 16, 1859.

SIR: I have to thank you for having forwarded to me in your letter of the 9th of March, 1859, received by this mail, copies of the depositions of W. Petterson and I. Cardiera, seamen of the Rufus Soulé, captured by Lieutenant Hodgkinson, commanding her Majesty's steam vessel "Viper"

As full particulars of the circumstances attending this capture have been forwarded to her Majesty's government, and will no doubt be communicated to the government of the United States, it is unnecessary for me to open a discussion upon them, but I must remark that I do not find anything whatever in the deposition to show that the "Rufus Soulé" was entitled to wear the United States flag which she had improperly assumed, and I cannot doubt that the information

furnished to me from the Havana, that she had been purchased by Spaniards was correct, and that she was justly captured by the "Viper."

I have the honor to be, sir, your very humble servant,

FRED. WM. GREY,
Rear Admiral and Commander-in-Chief.

Flag-Officer T. A. CONOVER,
Commander-in-Chief United States Squadron, West Coast of Africa.

No. 29.

NAVY DEPARTMENT, *July* 23, 1860.

SIR: For your information I enclose herewith a copy of a despatch received from the United States consul at St. Thomas by the Secretary of State, and forwarded by him to this department on the 20th instant, in relation to the American steamer "City of Norfolk," which vessel touched at St. Thomas, and it is suspected has gone to the Congo, for a cargo of slaves.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer WILLIAM INMAN,
Commanding African Squadron, or the
Senior Commanding Officer, present, St. Paul de Loando.

No. 8.] CONSULATE OF THE UNITED STATES OF AMERICA,
St. Thomas, June 29, 1860.

SIR: The American steamer "City of Norfolk," from New York, arrived here on the 16th instant, with a general cargo, a part of which she discharged. She then took in a very large supply of coal, and a peculiar kind of provisions, and, as I am now informed, erased her name and painted some other in its stead. I have since learned, from what may be regarded as high authority, that she was fitted out partly here, and partly in New York, as a slaver, and that she went from here to Pernambuco, to change her crew and flag, from thence she will proceed to the Congo river to take a cargo of slaves, which she will endeavor to land in Cuba.

I had no suspicions while the "City of Norfolk" lay in this port. All the information I now have came to my knowledge after she had cleared from this consulate.

I have the honor to be, with great respect, your obedient servant,

R. P. WARING,
United States Consul.

Hon. LEWIS CASS,
Secretary of State, Washington City, D. C.

No. 30.

No. 92.] UNITED STATES FLAG SHIP "CONSTELLATION,"
St. Paul de Loando, August 14, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th May, 1860, desiring me to give such directions as may be required by the subject, treated in a copy of a communication from the United States consul general at Havana, and in the reply thereto by the Attorney General, in regard to the suspicious character of the ship "Erie," of New York, and of American vessels similarly cleared from the port of Havana.

I have to inform the department of the capture of the "Erie," on the 8th instant, off the river Congo, by the United States steamer "Mohican," Commander S. W. Godon, whose report to the Navy Department was sent home in the prize.

It appears that the "Erie" cleared from Havana, for this coast, on or about the 20th January, 1860. When captured she had 997 slaves on board, who are ordered to be landed at Monrovia, in charge of the agent appointed by government, after which the vessel will proceed to the United States.

The recent capture, by the United States steamer "Mystic," Lieutenant Commanding Le Roy, of the "Triton," suspected as a slaver, has been reported to the department by Lieutenant Commanding Le Roy, in a letter sent to the United States in the vessel placed in charge of Midshipman Farquhar.

I have the honor to inform the department that the United States steamer "San Jacinto" has just entered the port—all well.

I have before me a copy of a letter, dated at sea, August 9, 1860, from Captain Dornin, to the Navy Department, reporting the capture, on that day, off the Congo, of the noted brigantine "Storm King," of New York, taken without colors or papers, having on board 619 slaves. The "Storm King" will land these slaves at Monrovia, and proceed to the United States under command of Lieutenant A. K. Hughes, assisted by Midshipman R. S. McCook and an acting master's mate, named C Ewing.

I have just received the letter of the department, dated May 23, 1860, with information as to the bark "White Cloud," of New York, and containing a report from Lieutenant Commanding Craven, of the United States steamer "Mohawk" on that subject. That information will at once be communicated to the commanders of the cruisers on this station.

The clause that the "department renews its wish that every exertion may be made to intercept and capture all vessels engaged in this traffic" is noted.

I respectfully remark that the exertion thus ordered is and has been constantly made since I assumed this command. I have never spared myself, nor those under my orders, from the utmost activity of mind and body to meet the views of the department on that and every other point of duty. The vessels are constantly at sea.

I came on the south coast at the close of November, 1859; since

then eight captures of vessels, with over 1,600 slaves, have been made. The whole service on the station has been efficiently organized. The deposit removed without freighting, and duties on all stores, four per cent. on value, saved to the government. A system has been arranged to meet the wants of steamers, by storage and delivery of coal at three points of deposit, with proper accountability.

The flag-ship has been less than a month in any port, in marked contrast with any that have preceded her. The squadron is in every respect, except in complement, efficient; it is harmonious and orderly; and the vessels are remarked upon by foreigners for their good condition and discipline. The rights of our citizens, on shore and afloat, have been promptly protected.

A constant, methodical, and full account has been rendered to the department of every proceeding, and its instructions faithfully carried out; in short, the African squadron, under my command, has performed its whole duty.

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I am, very respectfully, your obedient servant,

WILLIAM INMAN,

Flag-Officer, Commanding U. S. African Squadron.

Hon. ISAAC TOUCEY,

Secretary of the Navy, Washington, D. C.

No. 31.

No. 100.] UNITED STATES FLAG-SHIP "CONSTELLATION,"

St. Paul de Loando, August 22, 1860.

SIR: In my letter No. 92 I had the honor to acknowledge the receipt of your instructions as to the ship "Erie" and the bark "White Cloud," both of New York, and both cleared from Havana for this coast.

I respectfully submit a copy of a circular order, dated August 16, 1860, which I have issued to the vessels under my command to meet the requirement of the Navy Department.

I am, very respectfully, your obedient servant,

WILLIAM INMAN,

Flag-Officer, Commanding U. S. African Squadron.

Hon. ISAAC TOUCEY,

Secretary of the Navy, Washington, D. C.

CIRCULAR.

UNITED STATES FLAG-SHIP "CONSTELLATION,"

St. Paul de Loando, August 16, 1860.

The attention of the commander-in-chief has been called by the Navy Department to the "clearance of American vessels from the port

of Havana, which warrants the suspicion that they are destined for an illegal traffic."

The ship "Erie" of New York, thus cleared, was lately captured by the "Mohican," with a cargo of slaves.

Commanders have been furnished with a copy of the letter of Lieutenant Commanding T. Augustus Craven, commanding the United States steamer "Mohawk," pointing out the very suspicious character of the barque "White Cloud," of New York, cleared from Havana for the coast of Africa.

The commanders of the squadron under my orders will, therefore, consider that American vessels cleared or sailing from the port of Havana for the coast of Africa are very suspicious, from having so cleared or sailed, and particular scrutiny is enjoined in the examination of such vessels.

WM. INMAN,
Flag-Officer, Commander-in-chief U. S. African Squadron.

True copy:

A. VANDEN HEUVEL,
Flag-Officer's Secretary.

No. 32.

UNITED STATES FLAG-SHIP "CONSTELLATION,"
St. Paul de Loando, August 29, 1860.

SIR: I respectfully state for the information of the Navy Department that there appears upon our lists of suspected vessels (which are mostly derived from British authorities) a steamer purporting to be called the "City of Norfolk."

There is a rumor, altogether unreliable, that she has taken from this coast a cargo of slaves.

The attention of our cruisers on the coast of Cuba might be attracted with possible advantage to these suppositions as to steamers.

I am, very respectfully, your obedient servant,

WILLIAM INMAN,
Flag-Officer commanding United States African Squadron.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

Instructions to, and correspondence with, the officers in command of the vessels of the United States navy cruising on the coast of Cuba.

No. 33.

NAVY DEPARTMENT, *September* 23, 1859.

SIR: The United States steamer Mohawk, under your command, has been prepared with special reference to service on the coast of

Cuba, the immediate object in view being the suppression of the slave trade between that island and Africa, so far as carried on by citizens or under the flag of the United States.

When, therefore, she shall be ready for sea you will proceed with her to the north coast of Cuba. You will report by letter, after your arrival there, to Flag-Officer McCluney at Aspinwall, as a part of the squadron under his command, enclosing him a copy of these instructions.

The cruising ground of the Mohawk will extend from Key St. Marin as far to the eastward as Port Padre. The steamer Crusader, Lieutenant Commanding Maffitt, will also be employed on the north coast of Cuba, her cruising ground extending from Havana as far east as Cape Marin.

The two steamers will be independent of each other, but the department desires a hearty co-operation between their respective commanding officers.

* * * * * * * *

With regard to your duties in suppressing the slave trade the accompanying extracts from the instructions recently issued to the flag officer of the African squadron are submitted for your guidance and information.

* * * * * * * *

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant T. A. M. CRAVEN,
Commanding United States Steamer Mohawk, New York.

No. 34.

NAVY DEPARTMENT, *September* 24, 1859.

SIR: The United States steamer Wyandotte, under your command, has been prepared with special reference to service on the coast of Cuba, the immediate object in view being the suppression of the slave trade between that island and Africa, so far as carried on by citizens or under the flag of the United States.

When, therefore, she shall be in all respects ready for sea, you will proceed with her to the south coast of Cuba. You will avail yourself of the earliest opportunity after your arrival to report by letter to Flag Officer McCluney, at Aspinwall, as a part of the squadron under his command, enclosing him a copy of these instructions.

You will cruise on the south coast of Cuba in the track usually pursued by slavers, looking into such ports or inlets as in your judgment may be advisable.

In regard to your duties in suppressing the slave trade, the accompanying extracts from the instructions issued to the commanding

officer of the African squadron are sent for your guidance and information.

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I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant F. STANLEY,
Commanding United States Steamer Wyandotte, New York.

No. 35.

NAVY DEPARTMENT, *September* 26, 1859.

SIR: The United States steamer Crusader, under your command, has been prepared with special reference to service on the coast of Cuba, the immediate object in view being the suppression of the slave trade between that island and Africa, so far as carried on by citizens or under the flag of the United States.

When, therefore, she shall be ready for sea, you will proceed with her to the north coast of Cuba, and after your arrival there will report, by letter, to Flag-Officer McCluney, at Aspinwall, as a part of the squadron under his command, enclosing him a copy of these instructions. On your way to the coast of Cuba you are authorized to touch at Charleston, South Carolina, should you desire it.

The cruising ground of the Crusader will extend from Havana as far to the eastward as the Key St. Marin. The steamer Mohawk, Lieutenant Commanding T. A. Craven, will also be employed on the north coast of Cuba, the cruising ground extending from the Key St. Marin as far to the eastward as Port Padre. The two steamers will be independent of each other, but the department desires a hearty co-operation between their respective commanding officers.

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With regard to your duties in suppressing the slave trade the accompanying extracts from the instructions recently issued to the flag-officer of the African squadron are submitted for your guidance and information.

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I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant JOHN N. MAFFITT,
Commanding United States Steamer Crusader, Philadelphia.

No. 36.

NAVY DEPARTMENT, *November* 10, 1859.

SIR: When the United States steamer Water-Witch, under your command, shall be ready for sea, you will proceed with her immediately to the south side of Cuba, where she is to be employed, in con-

Cuba, the immediate object in view being the suppression of the slave trade between that island and Africa, so far as carried on by citizens or under the flag of the United States.

When, therefore, she shall be ready for sea you will proceed with her to the north coast of Cuba. You will report by letter, after your arrival there, to Flag-Officer McCluney at Aspinwall, as a part of the squadron under his command, enclosing him a copy of these instructions.

The cruising ground of the Mohawk will extend from Key St. Marin as far to the eastward as Port Padre. The steamer Crusader, Lieutenant Commanding Maffitt, will also be employed on the north coast of Cuba, her cruising ground extending from Havana as far east as Cape Marin.

The two steamers will be independent of each other, but the department desires a hearty co-operation between their respective commanding officers.

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With regard to your duties in suppressing the slave trade the accompanying extracts from the instructions recently issued to the flag officer of the African squadron are submitted for your guidance and information.

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I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant T. A. M. CRAVEN,
Commanding United States Steamer Mohawk, New York.

No. 34.

NAVY DEPARTMENT, *September* 24, 1859.

SIR: The United States steamer Wyandotte, under your command, has been prepared with special reference to service on the coast of Cuba, the immediate object in view being the suppression of the slave trade between that island and Africa, so far as carried on by citizens or under the flag of the United States.

When, therefore, she shall be in all respects ready for sea, you will proceed with her to the south coast of Cuba. You will avail yourself of the earliest opportunity after your arrival to report by letter to Flag Officer McCluney, at Aspinwall, as a part of the squadron under his command, enclosing him a copy of these instructions.

You will cruise on the south coast of Cuba in the track usually pursued by slavers, looking into such ports or inlets as in your judgment may be advisable.

In regard to your duties in suppressing the slave trade, the accompanying extracts from the instructions issued to the commanding

officer of the African squadron are sent for your guidance and information.

* * * * * * * *

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant F. STANLEY,
Commanding United States Steamer Wyandotte, New York.

No. 35.

NAVY DEPARTMENT, *September* 26, 1859.

SIR: The United States steamer Crusader, under your command, has been prepared with special reference to service on the coast of Cuba, the immediate object in view being the suppression of the slave trade between that island and Africa, so far as carried on by citizens or under the flag of the United States.

When, therefore, she shall be ready for sea, you will proceed with her to the north coast of Cuba, and after your arrival there will report, by letter, to Flag-Officer McCluney, at Aspinwall, as a part of the squadron under his command, enclosing him a copy of these instructions. On your way to the coast of Cuba you are authorized to touch at Charleston, South Carolina, should you desire it.

The cruising ground of the Crusader will extend from Havana as far to the eastward as the Key St. Marin. The steamer Mohawk, Lieutenant Commanding T. A. Craven, will also be employed on the north coast of Cuba, the cruising ground extending from the Key St. Marin as far to the eastward as Port Padre. The two steamers will be independent of each other, but the department desires a hearty cooperation between their respective commanding officers.

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With regard to your duties in suppressing the slave trade the accompanying extracts from the instructions recently issued to the flag-officer of the African squadron are submitted for your guidance and information.

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I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant JOHN N. MAFFITT,
Commanding United States Steamer Crusader, Philadelphia.

No. 36.

NAVY DEPARTMENT, *November* 10, 1859.

SIR: When the United States steamer Water-Witch, under your command, shall be ready for sea, you will proceed with her immediately to the south side of Cuba, where she is to be employed, in con-

junction with the United States steamer Wyandotte, in preventing the slave trade from being carried on between that island and the coast of Africa by citizens or under the flag of the United States.

You will cruise in the track usually pursued by slavers, looking into such ports or inlets as you may deem advisable.

With regard to your duties in suppressing the slave trade the department herewith encloses for your information and guidance extracts from its instructions of the 6th of July last to the flag-officer of the African squadron.

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I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant L. C. SARTORI,
Commanding U. S. Steamer Water-Witch, Norfolk, Va.

No. 37.

UNITED STATES STEAMER MOHAWK,
Key West, November 22, 1859.

SIR: I have the honor to inform you that on the morning of the 18th November I discovered a brig at anchor, about 12 miles from Sagua La Grande. I sent a boat to examine her, the officer of which, Lieutenant Carpenter, saw the crew leave in their boat as he approached the brig, and on getting on board he found her to be the brig Cygnet, of New York. She had evidently but recently landed a cargo of slaves, and the crew left their breakfast unfinished on the table. No papers of any description were found on board, except some loose memorandums and bills. The name of the captain when she left New York, it appears, was "Gunderson," as a piece of brown wrapping paper was found on board, addressed to "Capt. Gunderson, brig Cygnet, pier 13, E. R.," (East River.)

I took possession and towed the Cygnet to this place. On examining Lloyd's list I find that there is no such brig belonging to New York, and as the word "Baltimore" can be read through the paint on her stern, I conclude that the Cygnet does not belong to New York, and having consulted the United States judge for this district, intend this day to turn the brig over to the United States marshal here, and on filling up with coal and water will proceed to sea on Saturday.

The slave trade is most actively carried on at present along the entire coast. I am most anxiously expecting the arrival of the Crusader, and while awaiting her am cruising between Cardenas and Sagua, the United States consul having informed me of several vessels which were expected in that neighborhood.

I must express my continued satisfaction with the Mohawk, in cruising under a low pressure. We consume about three tons of coal

daily, and I am now, for the first time since leaving New York, taking in coal.

I am, very respectfully, your obedient servant,

T. AUGS. CRAVEN,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

No. 38.

NAVY DEPARTMENT, *December* 9, 1859.

SIR: I enclose herewith for your information copies of papers which have been furnished this department by the Secretary of the Treasury, in relation to the American brig "Tavernier," which vessel sailed not long since from Cardenas for the coast of Africa, for the purpose, it is suspected, of procuring a cargo of slaves and returning with them to Cuba.

I am, repectfully, your obedient servant,

ISAAC TOUCEY.

Lieut. T. A. M. CRAVEN,
Commanding U. S. Steamer Mohawk, Key West, Florida.
Lieut. F. STANLY,
Commanding U. S. Steamer Wyandotte, Key West, Florida.
Lieut. L. C. SARTORI,
Commanding U. S. Steamer Water-Witch, Key West, Florida.
Lieut. JNO. N. MAFFIT,
Commanding U. S. Steamer Crusader, Key West, Florida.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, November 23, 1859.

SIR: I transmit herewith for the information of the department an original letter, just received from Messrs. M. M. Freeman & Co., a highly respectable mercantile firm of this city; and, also, copy of a letter from their correspondents in Havana. No copy of these documents is retained in this office, nor have the contents transpired to more than one of my deputies.

I am, very respectfully, your obedient servant,

AUGUSTUS SCHELL,
Collector.

Hon. HOWELL COBB,
Secretary of the Treasury.

NEW YORK, *November* 23, 1859.

SIR: We enclose with this a letter received from a house in Cardenas, Cuba, in answer to one of ours making inquiry of them as to the

nature of the voyage of the brig "Tavernier," Captain Robert Johnston, had sailed upon. Said brig had been purchased by Mr. Wm. B. Whitehead, of Suffolk, Virginia, in June last, while on a voyage from Savannah, Georgia, to Cardenas, and had been ordered home to New York by us as the authorized agents of Mr. Whitehead. The captain entirely ignored these orders and subsequently sailed with the vessel for Fernando Po, west coast of Africa, with a very suspicious cargo on board, and under circumstances which allow, in our minds, of but one inference. The letter referred to will convey to you the information we have upon the matter, and which we submit to you for such action on your part as you deem proper. This is done by desire of Mr. Whitehead, that he may be exonerated from all implication in the master's action.

Respectfully,

M. M. FREEMAN & Co.

AUGUSTUS SCHELL, Esq.,
Collector, &c, New York.

CARDENAS, *October* 13, 1859.

DEAR SIR: Your valued favor of 26th ult. reached us in due course on 3d inst., and its contents have had our particular attention. We have exerted every endeavor to obtain such documents in regard to the affair of the brig "Tavernier" as would enable you to obtain the desired object; but although there are several persons here who seem aware that the vessel has gone on a slaving voyage, from the fact that Captain Johnson made no secret of it among the Americans here, yet we have not found one willing to risk his signature to any paper on the subject. Mr. Fite informs us that he is aware, from hearsay, of the facts, but he has never seen any papers in relation to them. The person connected with Mr. Fite in the hotel says that Captain Johnson showed him a letter received from you ordering his return home, as the vessel was sold; another from the purchasers of said vessel, making the same request, but he said that, being part owner of the vessel, he ought to have been consulted in the measure adopted by you for such sale, and under such a case he had decided to carry out his own views; that the charterers here had advanced him $3,000, which he sent home in a bill to his wife, and he was to have a certain share in the result of the voyage. From another party, who had actually seen the charter-party, we learn that there is nothing in it to prove the vessel a slaver, as she is chartered for a voyage to Fernando Po and thence to a port in the United States, at $800 per month. This informant seems to know all particulars of the case, but we could not induce him to consent to appear as evidence. Our American consular agent here says that the vessel was regularly cleared for said port, and he could not thus refuse the captain his papers. The cooper, Safford, has said, privately, he was offered by Captain J. $3,500 to go on the voyage to set up water casks, but he refuses to sign any document to that effect.

Regretting we cannot render you the assistance desired, we remain, gentlemen, respectfully,

WM. F. SAFFORD & CO.

Messrs. M. M. Freeman & Co.,
New York.

No. 39.

United States Steamer Water Witch,
Trinidad, Cuba, December 15, 1859.

Sir: I have the honor to report to the department that I received information early yesterday morning that a suspicious vessel was among the cays, some thirty miles from this port. I immediately proceeded thither with the Water Witch, and passed the night among the cays.

Early this morning I descried her at a distance, and soon after boarded the American bark "Pride of the Sea," belonging to New York. She proved to be a lawful trader.

It may be necessary to state that a few weeks ago several hundred Africans were landed within twenty miles of this place from the American bark Rebecca, after which the vessel was burned.

Two other vessels are expected in this neighborhood within the next three weeks; consequently, I deem it advisable to cruise, for the present, between this and Cape Cruz, returning to Cienfuegos in about a month to coal.

I have the honor to remain, very respectfully, your obedient servant,

L. C. SARTORI,
Lieutenant Commanding.

Hon. I. Toucey,
Secretary of the Navy, Washington, D. C.

No. 40.

United States Steamer Water Witch,
Cape Blanco, off Trinidad, Cuba, January 23, 1860.

Sir: I have the honor to inform the department that I arrived here with the Water Witch, after a cruise of one month among the cays, between this and Cape Cruz, and along the coast of Cuba, as far east as Cape Maize, during which time I boarded a number of vessels, all of which were legally employed. I shall remain in this neighborhood, if possible, until the arrival of the Wyandotte, which vessel left here, I find, on the 4th instant, for Pensacola and Key West.

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I have the honor to remain, very respectfully, your obedient servant,

L. C. SARTORI,
Lieutenant Commanding.

Hon. Isaac Toucey,
Secretary of the Navy, Washington, D. C.

No. 41.

NAVY DEPARTMENT,
January 25, 1860.

SIR: The Crusader and Mohawk must not be off their cruising ground at the same time, and when absent must remain for the shortest time possible. Instead, therefore, of going to Pensacola for provisions, as previously instructed, you will obtain them at the nearest port, Key West, where the bureau of provisions states there is an abundant supply, and you will visit Pensacola only when that supply is exhausted or the vessel under your command should require extensive repairs.

I am, respectfully, &c.,

ISAAC TOUCEY.

Lieutenant T. A. M. CRAVEN,
Commanding U. S. S. Mohawk, Key West, Florida.

Lieutenant J. N. MAFFITT,
Commanding U. S. S. Crusader, Key West, Florida.
(Duplicate sent to Havana.)

No. 42.

UNITED STATES STEAMER CRUSADER,
Key West, February 7, 1860.

SIR: Your communication of the 25th ultimo is at hand.

It is proper for me to state that the Mohawk and Crusader have *not been simultaneously absent* from the cruising ground, nor has this vessel been detained from her station one hour longer than necessity demanded; on the contrary, the greatest zeal and activity has charterized her movements.

I am, respectfully, your obedient servant,

J. N. MAFFITT,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

No. 43.

UNITED STATES STEAMER MOHAWK,
Key West, February 23, 1860.

SIR: I have the honor to acknowledge the receipt of your order of January 25.

This ship has at no time been absent from her cruising ground except when necessary, and since the arrival of the Crusader on the station we have alternated in coming to this place for coal.

Lieutenant Commander Maffitt and myself have strictly complied with your instructions of September last.

I am, very respectfully, your obedient servant,

T. AUGUSTUS CRAVEN,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 44.

NAVY DEPARTMENT,
January 25, 1860.

SIR: The Wyandotte and Water Witch must not be off their cruising grounds at the same time, and when absent remain for the shortest time possible. Instead, therefore, of going to Pensacola for provisions, as previously instructed, you will obtain them at the nearest port, Key West, where the bureau of provisions states there is an abundant supply, and you will visit Pensacola only when that supply is exhausted or the vessel under your command should require extensive repairs.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant L. C. SARTORI,
Commanding U. S. Steamer Water Witch, Key West, Florida.
(Duplicate sent to Havana.)

No. 45.

No. 8.] UNITED STATES STEAMER WATER WITCH,
Key West, February 25, 1860.

SIR: I have the honor to report the arrival at this place of the United States steamer Water Witch, under my command, three days and four hours from Trinidad de Cuba, where I left the Wyandotte.

* * * * * * * *

Among the communications I have received from the department, and which I will answer as early as possible, (having only time by this opportunity to prepare this letter,) I find one dated January 25, instructing me not to be absent from my station at the same time as the Wyandotte; and also to provision and coal at this place in future, and not go to Pensacola except I required extensive repairs, or provisions were not to be had here.

I regret much that the department should have for one moment thought me inattentive to its instructions of November 10, 1859, and I beg to state that, from the time I doubled San Antonio, on the 9th of December, up to the 22d of February instant, I have remained con-

stantly at my station, and have done a fair portion of cruising consistent with an economical consumption of coal.

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I am, respectfully, your obedient servant,

L. C. SARTORI,
Lieutenant Commanding.

Hon. I. TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 46.

NAVY DEPARTMENT, *March* 8, 1860.

SIR: Your communication of the 25th ultimo has been received.

The department did not intend its letter of the 25th of January last as a censure, but as a mere renewal of its previous order. It has had no cause so far to censure your proceedings.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant L. C. SARTORI,
Commanding United States Steamer Water Witch,
Key West, Florida.

No. 47.

NAVY DEPARTMENT, *January* 25, 1860.

SIR: The arrival of the Wyandotte at Pensacola has been reported to the department by Commodore McIntosh, and it is stated in the public prints that the "Water Witch" arrived recently at Key West. It thus appears that both vessels were absent from their station (south side of Cuba) at the same time, which the department desired to guard against, as the following extract of its instructions to Lieutenant Sartori, commanding the Water Witch, shows:

"Arrangements will be made, if practicable, by which the Wyandotte and Water Witch can coal and provision alternately, and it is highly desirable that both vessels should not be absent from the station at the same time. You will make known to Lieutenant Stanly, commanding the Wyandotte, the desire of the department on this subject, as also with regard to mutual co-operation between yourself and him."

In future both vessels must not be absent at the same time; and as it is desirable that they should be off their cruising ground as seldom and for as short a time as possible, you will supply yourself with provisions, &c., at Key West, (where the bureau of provisions represent there is an abundant supply,) and not at Pensacola, as previously directed, and you will only go to Pensacola should extensive repairs

on the vessel under your command be required, or there are no provisions at Key West.

It is also stated that the Wyandotte put into Havana recently. This is no part of your cruising ground, and you will not visit the north coast of Cuba unless in chase of a supposed slaver.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant FABIUS STANLY,
Commanding U. S. Steamer Wyandotte, Pensacola, Florida.
(Duplicate sent on same day to Key West.)

No. 48.

UNITED STATES STEAMER WYANDOTTE,
Pensacola, February 10, 1860.

SIR: I have the honor to acknowledge your communication of the 25th ultimo, censuring me for having touched at Havana, Cuba. I had on board this ship various fixings for the guns of the Mohawk, without which her battery was inefficient, and I put into Havana as the nearest port on her cruising ground. I learnt there that Captain Craven was at Key West, and went there. * * * * *

Respectfully, your obedient servant,

FABIUS STANLY,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 49.

NAVY DEPARTMENT,
March 6, 1860.

SIR: Enclosed herewith is an extract from an anonymous communication addressed to the President on the 27th ultimo, from Baltimore, in relation to the bark "William," which the writer represents to be employed in the slave trade. The statement of the writer may be correct, and the department deems it proper to communicate them to the commanding officers of United States vessels cruising on the coast of Cuba.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant T. A. M. CRAVEN,
Commanding United States Steamer Mohawk,
Key West, Florida.

Lieutenant JOHN N. MAFFITT,
Commanding United States Steamer Crusader,
Key West, Florida.

Lieutenant F STANLY,
Commanding United States Steamer Wyandotte,
Key West, Florida.

Lieutenant L. C. SARTORI,
Commanding United States Steamer Water Witch,
Key West, Florida.

BALTIMORE, *February* 27, 1860.

SIR: The bark William, 235 tons register, was purchased June 2, 1859, from Messrs. Galwey, Casado & Teller, No. 104 Pearl street, New York, by one Thomas W. Williams, a sea-faring man, who now resides on the southeast corner of Broadway and Mulligan street, Baltimore; said bark was cleared from New York as a coaster, and sailed on the 4th of July for Mobile, in charge of said Thomas W. Williams; from Mobile she took a cargo of lumber for Havana, where she arrived September 29 in a run of *four days;* some time in October arrangements were entered into between said Thomas W. Williams and *certain parties*, by which the bark William was taken to the coast of Africa, (you will surmise the object.) Thomas W. Williams, on passing through New York, has admitted to the former owners of the bark her present whereabouts; also, on the 22d instant, by a statement by him on oath, in the district court of Baltimore, he claims to be the present owner of said bark. Having obtained an opportunity to become acquainted with the villainous character of said Thomas W. Williams, and, during a voyage from Texas to New York, having learned his opinions as regards this infamous traffic, I deem it my duty to inform you of the above facts respecting the bark William so that her character may be known to the United States cruisers; likewise, if it be found necessary, that diligent official inquiries may be aided by inquiries on the subject at those places indicated, also in Cuba, by the American consul at Havana, which may result to bring those guilty wretches to be dealt with according to law.

With high respect, I remain your obedient, humble servant,

JUSTICE.

His Excellency JAMES BUCHANAN,
Washington City.

No. 50.

UNITED STATES STEAMER MOHAWK,
Key West, April 7, 1860.

SIR: I have the honor to acknowledge the receipt of your communication of March 6, 1860, respecting the bark "William."

I regret to inform you that while in pursuit of a suspicious vessel, on the 12th of March, near Nuevitas, the boiler of this vessel started a bad leak in the lower part.

After overhauling the "chase," I was obliged to seek an anchorage, and was detained six days in making repairs. The engineer, in the course of this work, discovered many very thin places in the boiler. I therefore came to this place on the 24th instant, and have been engaged in making all necessary repairs; while, at the same time, I have taken advantage of the opportunity for breaking out and painting ship.

The repairs are finished, and will, I hope, suffice for some months. I expect to sail on Monday for the eastern end of my station. Since

the appearance of this ship and the Crusader on the coast the slave trade has only received a check, which has turned it into new channels. The cargoes were before landed between St. Maria cay and Cardenas; now they are ordered by the lookout vessels to the eastern end of the island, where two cargoes were landed in the first week of March.

I am, very respectfully, your obedient servant,

T. A. M. CRAVEN.
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

No. 51.

NAVY DEPARTMENT,
April 18, 1860.

SIR: Your communication of the 7th instant has been received. You will extend your cruising ground to the eastern extremity of the Island of Cuba.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant T. A. M. CRAVEN,
Commanding United States Steamer Mohawk,
Key West, Florida,

No. 52.

UNITED STATES STEAMER "MOHAWK,"
Key West, May 3, 1860.

SIR: I have the honor to report that, on the 26th April, while running through the Old Bahama channel, I fell in with and captured an American bark, having on board a cargo of slaves, 40 days from the Congo river.

I took possession of the bark, transferring her crew, 25 in number, to this vessel; and, placing a prize crew on board, I took her in tow, and brought her to this port, where I arrived on Monday, the 30th instant.

The bark is a "clipper," said to be the "Wildfire," of New York, from which place she appears to have sailed December 16, 1859. Her cargo, at the time of capture, consisted of about 550 negroes, the greater part of whom are less than sixteen years of age; they are in healthy condition, and with no disease among them, though, from their crowded condition, more than one hundred have died on the voyage—their original cargo being 650.

I have delivered to the United States marshal, at this place, the prisoners and Africans.

* * * * * * * * *

I am, respectfully, your obedient servant,

T. AUGUSTUS CRAVEN,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 53.

UNITED STATES STEAMER "MOHAWK,"
Key West, May 9, 1860.

SIR: I have the honor to supply an omission in my report of the 3d instant respecting the place of capturing the "Wildfire;" our position was eight miles southeast of Guinchos cay, in the Old Bahama channel, I having for some days been cruising between that cay and Nuevitas.

The bark "William," of which I was informed by you as a suspicious vessel, left the Congo river ten days before the "Wildfire" sailed.

The brig "Ellen Frances" landed a cargo of 570 by using lighters at sea, and the negroes were mostly taken through Nuevitas. This was in the first week of March.

An American bark, name not ascertained, discharged a cargo, by lighters at sea, about twenty miles northwest of Sagua la Grande, early in April.

I have had greater detention here than was anticipated when I mailed my report of 3d instant, but may possibly get away to-morrow.

I am, very respectfully, your obedient servant,

T. AUGUSTUS CRAVEN,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington.

No. 54.

UNITED STATES STEAMER "WYANDOTTE," *May* 11, 1860.

SIR: I have to report that, near noon on the 9th instant, off the "Isle of Pines," south coast of Cuba, in obedience to your instructions of March 6, 1860, I captured the bark "William," under American colors, with a crew of twenty-four men, only one of whom is an American (supposed to be the American captain, William Preston, of Philadelphia.)

When the bark left "the Congo" she had on board 744, and at the time of capture 570 negroes.

Very respectfully, your obedient servant,

F. STANLY,
Lieutenant Commanding, United States Navy.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 55.

UNITED STATES STEAMER "MOHAWK,"
Havana, May 13, 1860.

SIR: I came to this place from Key West to make inquiries of the United States consul general with regard to vessels said to be fitting out at this port.

I learn that several vessels are fitting out here, without doubt, for the slave trade, and the schooner "Wanderer" is "for sale" here.

When I was last at Matanzas there were two American vessels fitting out for the slave trade, and I have also heard of some from Cardenas.

To intercept these outward-bound vessels I would suggest that a steamer be stationed between this port and Cardenas, to communicate constantly.

The "Water Witch," carrying fuel for so few days, would answer the purpose admirably, being always within ten hours of the coal depot at Key West.

Two steamers to the eastward, however vigilant, can only partially watch the coast, and, since the accident to the "Crusader," I shall be alone there, although Lieutenant Commanding Maffitt was determined to keep the sea as long as possible; but, for the emergencies of a "chase," his vessel is disabled.

I am, very respectfully, your obedient servant,

T. AUGUSTUS CRAVEN,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington.

No. 56.

UNITED STATES STEAMER "MOHAWK,"
Havana, May 14, 1860.

SIR: I have the honor to inform you that, from information gained in the office of the United States consul general for Cuba, I am satisfied that the bark "White Cloud," of New York, is about to sail from this port for the coast of Africa on a slave-trading voyage.

The captain of the "White Cloud," finding it difficult to obtain the necessary sea letters from the United States consul general, is getting out papers of nominal transfer to Buenos Ayres, and will sail under that flag or the flag of *Chili*. I have delayed here one day to examine this matter, and have almost resolved to take the responsibility of intercepting the vessel when she leaves this port.

Should I not fall in with her, I have deemed it my duty to give you this notice for the use of the United States squadron on the coast of Africa, as there will, without doubt, be two sets of papers on board.

I have examined the register of the "White Cloud," and find that she is owned in New York by Pierre L. Pearce, who was the owner of the "Wildfire," recently captured by me. A description of the vessel can be procured in New York.

The bark's manifest exhibits a complete slave cargo, and as such is considered by Mr. Helm as well as myself.

It is this morning reported that a slaver was captured off the Isle of Pines, on Wednesday last, by an American steamer.

The "Wyandotte" must have been in that vicinity at that time, as she left Key West on Monday. I give the report, as it may be of value to the department.

I am, very respectfully, your obedient servant,

T. AUGUSTUS CRAVEN,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington.

No. 57.

NAVY DEPARTMENT, *May* 21, 1860.

SIR: As the sickly season is about approaching, you will send any slavers that may be captured by the vessel under your command either to Portsmouth, New Hampshire, or to Boston.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieut. FABIUS STANLY,
Commanding U. S. Steamer "Wyandotte," Key West, Florida.

Lieut. L. C. SARTORI,
Commanding U. S. Steamer "Water Witch," Key West, Fla.

Lieut. JOHN N. MAFFITT,
Commanding U. S. Steamer "Crusader," Key West, Florida.
(Duplicate sent to Havana.)

Lieut. T. A. M. CRAVEN,
Commanding U. S. Steamer "Mohawk," Key West, Florida.
(Duplicate sent to Havana)

No. 58.

UNITED STATES STEAMER "MOHAWK,"
Key West, June 8, 1860.

SIR: I have the honor to acknowledge the receipt of your order of May 21. When I have stated to you the main circumstances bearing upon the condition of a slave ship at the time of capture on the coast of Cuba, you will perceive that you have directed me to do that which is impracticable.

The negroes are packed below in as dense a mass as it is possible for human beings to be crowded; the space allotted them being in general about four feet high between decks, there, of course, can be but little ventilation given. These unfortunate creatures are obliged to attend to the calls of nature in this place—tubs being provided for the purpose—and here they pass their days, their nights, amidst the most horridly offensive odors of which the mind can conceive, and this under the scorching heat of the tropical sun, without room enough for sleep; with scarcely space to die in; with daily allowance of food and water barely sufficient to keep them alive. The passage varies from forty to sixty days, and when it has much exceeded the shorter time disease has appeared in its most appalling forms, the provisions and water are nearly exhausted, and their sufferings are incredible. Even at the risk of being prolix, I must present this case to you, sir, in its strongest bearings, as I am confident that you would not have given the order if aware of the calamitous consequences it would entail on these poor creatures. Two cases which have occurred within the past fifteen months, and which have come to my knowledge, will illustrate the sufferings of the African, and the character of those who carry on this traffic.

The one was a bark which, in March, 1859, arrived at Sagua la Grande. She had left the coast with 1,200 negroes on board; when she reached Sagua there were but ninety alive, and of these five died while being taken on shore. The second, a recent case, was a bark which, in February last, effected a landing somewhere at the eastern part of the island. She had left Africa with upwards of one thousand. Having a long passage, the water was running short, and when within two days of Cuba two hundred negroes were thrown overboard at night that there might be water enough for the remainder. These are, it is true, extreme cases, but nevertheless dreadful facts.

In cases of capture, however mitigated the sufferings of the rescued negro, he is still in the crowded and filthy pen, with an insufficient supply of food and water, and attempting to carry him to a northern port would be merely adding so much to his miserable condition. Notwithstanding the comparatively good condition of the cargo of the "Wild Fire," I very much doubt whether one-fourth of them would have survived a passage to Boston, as, in bringing them to this place, we were exposed to a sudden change of only five degrees of temperature, the thermometer falling from eighty-one degrees to seventy-six degrees, yet they suffered from the cold, and of those who

have died since arriving here the majority were from affections of the lungs. In the execution of your order, the contingencies of provisions, water, and state of the cargo, must all bear on the subject, and the weather, too, must be taken into consideration; for a slave vessel cannot be secured from a gale of wind; the hatches cannot be closed. Under all of these circumstances, sir, I will do the best I can in carrying out your wishes, but hope to hear from you such modification of the order as will not carry the negroes north of Chesapeake bay.

I am, sir, very respectfully, your obedient servant,

T. AUGUSTUS CRAVEN.
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 59.

NAVY DEPARTMENT, *July* 2, 1860.

SIR: Your communication of the 8th ultimo has been received.

Should you capture a slaver with a cargo, and deem it injudicious, either on account of there being an insufficient supply of water or provisions on board, or the condition of the slaves, to carry out the department's order of the 21st of May last, you need not do so.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant T. A. M. CRAVEN,
Commanding United States Steamer Mohawk, Key West.

No. 60.

NAVY DEPARTMENT, *July* 6, 1860.

SIR: Should you capture a slaver with a cargo, and deem it injudicious, either on account of there being an insufficient supply of water or provisions on board, or the condition of the slaves, to carry out the department's order of the 21st of May last, you need not do so.

I am, respectfully, your obedient servant,

I. TOUCEY.

Lieutenant JNO. N. MAFFITT,
Commanding United States Steamer Crusader, Havana, Cuba.

Lieutenant L. C. SARTORI,
Commanding United States Steamer Water Witch,
Key West, Florida.

Lieutenant FABIUS STANLY,
Commanding United States Steamer Wyandotte,
Key West, Florida.

No. 61.

UNITED STATES STEAMER CRUSADER,
Old Bahama Channel, off Cay Confites, May 23, 1860.

SIR: I have the honor to inform the department that, at 1.45 p. m., I this day (after a brief chase) captured a bark freighted with some five hundred Africans.

The bark had neither flag, papers, nor name, and the captain of her *repudiated all nationality.*

I shall tow the bark into Key West.

I am, respectfully, your obedient servant,

J. N. MAFFITT,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 62.

UNITED STATES STEAMER CRUSADER,
Key West, June 27, 1860.

SIR: I deem it my duty to inform the department that in landing the supercargo of the slaver "Bogota" in Havana, he confessed to me that two-thirds of the vessel, &c., was owned in New York. He moreover stated that American capital was freely invested *on the coast of Africa* in the purchase of vessels and slaves for the Cuba market.

I am, respectfully, your obedient servant,

J. N. MAFFITT,
Lieutenant Commanding.

Hon. I. TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 63.

UNITED STATES STEAMER "WYANDOTTE,"
At sea, July 10, 1860.

SIR: From information which I believe, I have to inform you that the brig Mary, of New York, Captain Gibbs, and the brig Wm. A. Brown, Captain Hammond, of Boston, are bound on a slaving voyage either directly from the United States or from the port of Trinidad de Cuba; but as this information may be inaccurate, I would respectfully suggest, to prevent doing injustice to the owners and masters of these

vessels, that it should not be made more public than is necessary to guard against these voyages.

While on this subject, permit me to say that the whole population of Cuba appears to be warmly in favor of the slave trade. It is currently believed that the Spanish authorities are also favorable to it, and receive large bribes for every cargo landed; that the estates require more slaves; that the cultivation of the island is behind the demand for its products; that our cruising on this coast to suppress that trade is regarded with general hatred that must make the population inimical to us and injure our national character, as they believe we are here by a treaty imposed on us by England; the consequences will be that if even Spain assents to our acquiring Cuba the inhabitants will disapprove of it.

Some time after I first arrived on this coast, I found many Cuban gentlemen fond of associating with us and *proud* of having been educated in the United States; this is no longer the case; the feelings of the people are turning against us, and those who still like us tell me it is dangerous for them to show it, as it causes them to be marked men.

* * * * * * * *

Very respectfully, your obedient servant,

FABIUS STANLY.

Lieutenant Commanding, United States Navy.

Hon. ISAAC TOUCEY,

Secretary of the Navy.

No. 64.

UNITED STATES STEAMER "CRUSADER,"

Off Anguela July 23, 1860.

SIR: I have just captured an American brig that landed her slaves some time last night. I arrived this morning.

I am, respectfully, your obedient servant,

J. N. MAFFITT,

Lieutenant Commanding.

Hon. ISAAC TOUCEY,

Secretary of the Navy, Washington.

No. 65.

UNITED STATES STEAMER "CRUSADER,"

Off Anguela, July 23, 1860.

SIR: I captured the American brig W. R. Kibby this day at 2 p. m.; her slaves had been embarked in Spanish lighters ere I arrived

from the eastward. As the vessel belongs to New York, I deem it my duty to send her to that port, in charge of Lieutenant Duncan.

I am, respectfully, your obedient servant,

J. N. MAFFITT,
Lieutenant Commanding.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

KEY WEST, *July* 31, 1860.

P. S.—In overhauling the slave brig Kibby, three African boys were found in the hold, overlooked by the slavers in the haste of their departure.

No. 66.

UNITED STATES STEAMER "WYANDOITE," *July* 28, 1860.

SIR: On the evening of the 28th of June I ran into the port of Trinidad for water; I learned that a slaver was daily expected; I immediately went to sea, and was soon in chase of a vessel which proved to be the Spanish brig El Cairo, that had been placed so as to induce me to chase her. I overhauled the El Cairo off Cienfuegos, and as I had but two days' coal on board, I put in and coaled with all despatch, and returned to my cruising ground between Cape Cruz and Trinidad. After ten days I learned that the American bark Millaudon, late a packet between Havana and New York, had landed her cargo on the afternoon of the 29th, (St. John's day,) in a most public manner.

* * * * * * * *

I am, sir, respectfully, &c.,

F. STANLY,
Lieutenant Commanding, United States Navy.

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington, D. C.

No. 67.

UNITED STATES STEAMER "CRUSADER,"
Off Cape Mulas, August 14, 1860.

SIR: I have the honor to inform the department that at 7 a. m. this morning I captured a brig without name, papers, or nationality. Her slave deck was laid, and the captain acknowledged that he had been to the coast of Africa for a cargo of slaves, but that his supercargo had deserted with the funds, and a man-of-war steamer had chased him from the coast. I have sent the brig into Key West, in charge of Lieutenant James E. Jewett.

I am, respectfully, your obedient servant,

J. N. MAFFITT,
Lieutenant Commanding.

Hon. ISAAC TOUCEY, *Washington, D. C.*

No. 68.

NAVY DEPARTMENT, *September* 22, 1860.

SIR: I enclose herewith, for your information, a copy of a letter dated the 20th instant, received by the department from the United States district attorney for the southern district of New York, in relation to the bark Storm King, which vessel, it is thought, will soon reach the coast of Cuba, from the coast of Africa, with a cargo of negroes.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Lieutenant JNO. N. MAFFITT,
Commanding U. S. Steamer Crusader, Key West, Florida.
Lieutenant T. A. M. CRAVEN,
Commanding U. S. Steamer Mohawk, Pensacola, Florida.
Lieutenant L. C. SARTORI,
Commanding U. S. Steamer Water Witch, Key West.
(Duplicate sent to Cienfuegos, Cuba.)
Lieutenant FABIUS STANLY,
Commanding U. S. Steamer Wyandotte, Key West.
(Duplicate sent to Cienfuegos, Cuba.)

OFFICE OF THE ATTORNEY OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, September 20, 1860.

SIR: I have just received a communication that the bark Storm King, an alleged slaver, which, by connivance, as is said, escaped from this port, will probably arrive with her cargo of negroes, invoiced as "*volumes*," on the coast of Cuba, the last of this or middle of next month. Would it not be well to advise the squadron in that vicinity to keep a look out for her? The successful capture of the Kibby, under like circumstances, affords some encouragement to these efforts to enforce the law.

Very respectfully,

J. J. ROOSEVELT,
United States District Attorney.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

PAPERS COMMUNICATED BY THE TREASURY DEPARTMENT.

Mr. Cobb to Mr. Cass.

TREASURY DEPARTMENT,
November 12, 1860.

SIR: I have the honor to transmit herewith a communication from the Solicitor of the Treasury, dated June 8, 1860, and accompanying statement, prepared in his office, showing certain information with respect to the vessels that have been libelled for forfeiture in the courts of the United States for violating the laws relating to the slave trade,

called for in the resolution of the House of Representatives, of the 9th of April last.

Any other information that this department can furnish to enable the President to comply with the resolution aforesaid will be communicated in a few days.

I am, very respectfully,

HOWELL COBB,
Secretary of the Treasury.

Hon. LEWIS CASS,
Secretary of State.

OFFICE OF THE SOLICITOR OF THE TREASURY, *June* 8, 1860.

SIR: The resolution of the House of Representatives, of the 9th April last, calling upon the President for information in relation to the subject of the African slave trade, and the measures taken to enforce the laws for its suppression, referred by you to this office on the 10th ultimo, with an indorsement directing the solicitor "to furnish so much of the information called for as the records of his office show," was duly received.

In pursuance of this direction I have caused the records and files of this office, from the date of its establishment to the present time, to be carefully examined, and a statement made of all the suits which have been reported to it, from time to time, by the United States district attorneys, for the forfeiture of vessels seized for violations of the acts of Congress for the suppression of the slave trade, and libelled by them in the courts of the United States, which statement I have the honor herewith to enclose.

This statement contains a list of the vessels seized and libelled in the several judicial districts, and the disposition made of them by the courts. The correspondence of the district attorneys, however, does not enable me to give as full and satisfactory a history of these vessels and the circumstances of their seizure or capture as is desirable, or as is required by the resolution referred to me.

The legal proceedings for the enforcement of these acts of Congress are of a two-fold character—1st, by indictment against the persons engaged in the traffic for the criminal offence committed; and, 2d, by civil suit for the forfeiture of the ships or vessels seized or captured for engaging in the traffic. The criminal business of the country is not placed under the charge or supervision of this office, and hence the first of these classes of proceedings have never been reported to it, and I can give no information respecting them. The 2d class, however, is under the charge of the solicitor, and when a suit for the forfeiture of a vessel is commenced the district attorney makes a formal report thereof, giving the name of the vessel, the act or acts of Congress under which it was libelled, and the offence committed. The statement enclosed embraces this entire class.

The mass of these cases appear to have been seizures made in port by the revenue officers while the vessels were being fitted out for sea,

on suspicion of their intention to engage in the slave trade, or such evidence as they were able to obtain in regard to their objects and purposes. In cases where the seizure or captures were made by the African squadron or other public vessels of the United States on the high seas, that fact has been usually reported, but the nationality of the vessel, where and by whom it was built and fitted out, its crew, &c., are facts not necessary to maintain the suits for forfeiture, and for that reason have never been required to be reported by the district attorneys. I am able, therefore, to give no satisfactory information on these points.

Very respectfully, your obedient servant,

JUNIUS HILLYER, *Solicitor.*

Hon. H. COBB,
Secretary of the Treasury.

P. S. Please return the House resolution. J. H.

attorneys to the Solicitor of the Treasury.

When libelled.	District.	Name of vessel.	When and by whom seized or captured.	Nationality of vessel.	Result and its particulars.
Nov. 27, 1839	Maryland	Schooner Ann and cargo			Libel tried, and vessel and cargo condemned February 11, 1840. Net proceeds of sale, $4,256 33¼; one-half to United States.
May 15, 1838	do	The schooner C. F. A. Cole			Libelled on information of Aaron Wallace, on charge that she was engaged in the slave trade; condemned and sold, and net proceeds paid to U. States.
Mar. 25, 1834	Eastern Louisiana	Spanish bark Isabella		Spanish	Landing at New Orleans from a foreign port, having two colored persons on board. Libelled for violation of act of April 20, 1818; libel dismissed on proof that the two colored persons were free.
Nov. 27, 1835	do	Ship Garonne			Libelled under above act for landing from foreign port with a slave on board. Libel tried and decided for defendant. Appeal to Supreme Court, and decision affirmed, January term, 1837.
Jan. 25, 1836	do	Ship Fortune			Libelled for having two slaves on board from the kingdom of France; tried and acquitted after appeal to Supreme Court.
Dec. 20, 1836	do	British bark Caledonia		English	Libelled; dismissed in accordance with decision of Supreme Court in the two preceding cases.
Sept. 4, 1841	do	Schooner Independence			Libel tried, and vessel condemned Mar 12, 1842, and sold by marshal for $69; not sufficient to pay costs.
May 16, 1844	do	Schooner Seminole			Libel tried December term, 1844, and judgment of forfeiture. Application for remission of forfeiture made to the Secretary of Treasury.—Clerk's Rep., December term, 1844.
Aug. 3, 1846	do	Brig Till	D. Prieur, collector		Seized for bringing slaves from Havana to New Orleans in violation of act of 1818. Libel tried November, 1846, and vessel condemned.
Feb. 20, 1857	do	Brig Wm. Clark			Libelled on suspicion of being engaged in slave trade; libel tried and dismissed August, 1857.
May 5, 1857	do	Schooner Louis McLane			Libelled for intent to engage in the slave trade. Libel dismissed, and appeal taken by United States August, 1857. No subsequent proceedings reported; case continued on docket.
May 13, 1858	do	Bark J. W. Reed her tackle, apparel, furniture, &c.			Libel tried May term, 1858, and decree dismissing libel with certificate probable cause.
April 7, 1859	do	American ship Rebecca and lading.		American	Libel pending.
Mar. 14, 1846	South Carolina	American ship Pautha		do	Libelled for violation acts against slave trade; condemned May term, 1846; appealed to Supreme Court United States; condemnation affirmed December term, 1854; net proceeds, $6,109 60, covered into treasury third quarter 1855.

STATEMENT—Continued.

When libelled.	District.	Name of vessel.	When and by whom seized or captured.	Nationality of vessel.	Result and its particulars.
Mar. 16, 1846	South Carolina.....	American schooner Robert Wilson.	.....	American	Libelled as above; vessel and cargo condemned. See District Attorney's Report, June 18, 1846.
1858.....	.....do.....	The brig Echo.....	.....	.....	Libelled for being engaged in slave trade; libel tried January term, 1859, and vessel condemned and sold. Net proceeds of sale, $1,679 10, deposited with Assistant Treasurer United States.
April —, 1859	.....do.....	The ketch Brothers	Captured on the coast of Africa by U. S. ship Marion, and sent into Charleston for condemnation.	.....	Libel tried October 25, 1859, and dismissed with order of restitution to claimants.
Feb. —, 1860	..... do.....	The brig Delicia.....	Captured on the coast of Africa by United States squadron, and sent into Charleston.	.....	This vessel, when captured, had no officers or papers on board which indicated its nationality. It was captured on suspicion of being engaged in the slave trade, and sent to Charleston for trial, where it was claimed as a Spanish vessel by the Spanish consul. No libel yet filed; question of liability to forfeiture under the circumstances under consideration by the district attorney.
Mar. 11, 1846	Southern New York.	The schooner Patuxent, her tackle, apparel, &c.	By the Yorktown, at Cape Mountain, coast of Africa, 27th September, 1845, and sent to U. S. in charge of Lieut. Chandler.	.....	Libel tried February, 1847, and decree of acquittal with certificate of probable cause to captors.
June 10, 1847	.....do.....	Bark Chancellor, her tackle, apparel, and furniture, and the goods and effects found on board thereof.	.....	.....	Libelled for violation of slave trade acts of 1794, 1800, and 1818, and, after protracted litigation, it was tried and decree rendered, December, 1858, dismissing the libel with certificate of probable cause of capture.
Dec. 11, 1847	.....do.....	Schooner Mary Ann	.....	.....	Libel tried March term, 1848, and dismissed with certificate of probable cause.
Mar. 15, 1848	.....do.....	Bark Laurens.....	Seized by African squadron for violation of slave trade acts, and on the coast of Africa, and sent to New York.	.....	Libelled in March, 1848. Libel tried and decree of condemnation and forfeiture rendered March, 1851.
Jan. 27, 1849	.....do.....	Bark Ann D. Richardson, her tackle, goods, &c.	In sight of Rio de Janeiro, by Lieutenant George F. Sinclair, United States brig Perry.	American, Oliver Peabody, master, sold vessel to Charles W. Storer, who commanded her when captured. He borrowed money to complete purchase from Joshua M. Clapp, a merchant at Rio.	April 12, 1849, District Attorney Shepard made a full report of the case to the solicitor, and stated that he was clearly of opinion that the evidence was not sufficient to sustain the libel, and that the libel should be abandoned. This report was submitted to the Secretary of the Treasury. Mr. Meredith, on the 13th April, 1849, by Solicitor Gillet, who concurred in the opinion of the district attorney, and recommended that the libel be dismissed with a certificate of probable cause. The Secretary "approved" this course, and on the 18th April, 1849, the district attorney was authorized to con-

					sent to it. The libel was accordingly discontinued 24th April, 1849, and the vessel and cargo discharged from custody.
April 25, 1849	.....do.....	Brig Susan, her tackle and apparel.	Captured in harbor of Rio de Janeiro, by Lieut. John A. Davis, of United States brig Perry, and sent to United States under charge of Lieut Thos. T. Hunter.	....	Libelled for violation act 10th May, 1800, in United States district court; cause tried April term, 1859, and libel dismissed with certificate of probable cause. Appeal to the circuit court; appeal dismissed October 19, 1852.
Jan. 6, 1854	..... do.....	Schooner H. N. Gambrill.....	Captured by frigate Constitution, and brought in by Lieut. John De Camp as a prize.	....	Condemned and sold June, 1855, and certificate of deposit for proceeds, $2,763 31, sent to Secretary Navy June 28, 1855, for distribution.
Sept. 28, 1854	.....do.....	Bark Jasper	.....	.....	Libel dismissed June 30, 1856.
Jan. 31, 1855	.....do.....	Name unknown, formerly called schooner Onward.	....	.....	She was being towed out of the port of New York, and being suspected of being engaged in slave trade, the district attorney libelled her and ordered marshal to seize her, but she got clear, and has not been found. Libel still pending.
June 9, 1856	.....do.....	Brig Bremen.....	....	.....	Libelled with her officers and crew for being fitted out for the slave trade; discontinued August, 1858.
Jan. 31, 1857	.....do.....	Schooner Jane P. Glover. ...	....	.....	Libelled on information from George Cliren, for intent to engage in slave trade; condemned and sold, and net proceeds paid to United States March, 1857.
Jan. 22, 1858	.....do.....	Brig Henry, her tackle, apparel, &c.	.....	....	Seized on suspicion of being engaged in slave trade. Libel tried January, 1859, and decree for claimants, with certificate of probable cause, and appeal from so much of the decree as gives probable cause. Appeal pending.
June 3, 1859	.....do.....	Bark Orion, her tackle, &c., and lading.	Captured by the African squadron on the coast of Africa, and sent to Norfolk as a prize for condemnation.	.....	Libel tried November term, 1859, which resulted in the condemnation of the vessel. Claimants appealed, and appeal now pending.
June 30, 1859	.....do.....	Bark Ardennes, her tackle, &c, and lading.	.....	.....	Libelled for violation of slave trade acts; pending for trial on return of Commodore Brent from Africa.
Nov. 2, 1859	.....do.....	Brig J. P. Hooper, her tackle, &c	.....	.....	Libelled for being engaged in slave trade; pending.
Nov. 15, 1859	.....do.....	Brig Emily	Seized on coast of Africa, and brought into port by Lieut. H. K. Stevens of United States sloop-of-war Portsmouth.	.....	Do. do.
May 18, 1860	.....do.....	Bark Cora, her tackle, &c., and lading.	....	.....	Do. do.
Sept. T., 1845	Massachusetts.....	Brig Porpoise.....	.....	.....	Libel tried, and vessel condemned and sold for $2,051 20, and proceeds distributed according to law.
Oct. 9, 1846	.....do.....	Brig Casket.....	.. ..	.....	Tried at December term, 1846, and libel dismissed.
April 29, 1854	.....do.....	Brig Clancorgan	....	.....	Libelled for being engaged in slave trade. Condemned and sold, and moiety of net proceeds paid over to United States, October 1854.
Oct. 20, 1858	.....do.....	Bark Island de Cuba	....	.....	This vessel sailed from New York, and after leaving the Azores, on her way to Africa, the mate (acting master) and crew refused to continue the voyage for reasons of their suspicions, and brought her into Boston and delivered her up to the authorities. Vessel sold for $2,744 97, and awaiting decision of the court.

STATEMENT—Continued.

When libelled.	District.	Name of vessel.	When and by whom seized or captured.	Nationality of vessel.	Result and its particulars.
Dec. 24, 1859	Massachusetts.....	Yacht Wanderer.....	.....	.....	This vessel was brought into the port of Boston by its crew and delivered to the public authorities. They informed the district attorney that while at sea they learned that the yacht was fitted out for the purpose of engaging in the slave trade. The master went ashore at —— on business, and the crew, being unwilling to make the voyage to the coast of Africa, hoisted sail, left the master, and proceeded to Boston. The vessel was libelled on this information, and the libel is still pending.
Feb. 6, 1849	East Virginia.....	Brig Independence and cargo, Oliver Burns master, claimant.	Captured by Lieutenant John A. Davis, of the United States brig Perry.	American	Cargo sold per order of court, dated March 20, 1849, and proceeds paid into court. Brig and effects condemned and sold per order of the court, dated October 3, 1849, and proceeds paid into court. Net proceeds, $2,406 81, deposited at United States depository at Richmond, March 22, 1850, and covered into the treasury third quarter 1856, per warrant No. 31.
Mar. —, 1853	.....do.....	Schooner Rachael P. Brown .	Captured on coast of Africa and sent home.	.....	Libelled for being fitted out in the port of New York and engaged in the slave trade. Libel tried May term, 1854. Vessel condemned and sold, and net proceeds paid to United States, June, 1856.
July 2, 1853	.....do.....	Schooner Advance.....	... ..do.....do	.....	Libelled for being fitted out in port of New York and engaged in the slave trade. Libel tried May term, 1854, and vessel condemned and sold, and net proceeds paid to United States in May, 1854.
Dec. 23, 1857	.....do.....	Bark W. G. Lewis	Seized by United States sloop-of-war Dale, on the Congo river, coast of Africa, and sent into Norfolk for trial.	.....	Tried at June term circuit court, 1859, and libel dismissed, and vessel and cargo delivered to owner.
Nov. —, 1858	..... do.....	Bark Julia Dean	Captured off the coast of Africa by African squadron, and sent into Norfolk for trial.	....	Libelled on suspicion of being engaged in the slave trade. Libel tried August, 1859, and decided for claimants. Appeal taken to the Supreme Court, United States
Aug. 11, 1858	Rhode Island.....	Schooner Wm. Lewis	.....	.....	Libelled for violation of the slave trade acts. Condemned, sold, and net proceeds paid over to United States, February, 1857.
May 26, 1837	West Florida.....	Schooner Emperor	... .	....	Libelled for introducing slaves from Cuba. Libel tried and dismissed November term, 1837.
June 9, 1858	South Florida.....	Brig Huntress.....	....	.....	Seized at Key West, and libelled on suspicion of being engaged in slave trade. Libel tried July 3, 1858, and vessel and cargo condemned and sold for $5,543 39. United States distribution share, $1,634 97; covered into the treasury.

July 14, 1858	.....do.....	Bark Lyra.....	Lieutenant William B. Randolph, of revenue cutter service.	.....	Libelled; tried in November, 1858, and vessel condemned and sold for $8,366 55. United States distribution share, $3,168 36; covered into the treasury.
Mar. 10, 1859	North Florida.....	Hermaphrodite brig; name unknown.	.....do..... do	.....	Libel tried September, 1859, and vessel condemned and sold for $1,289 89. United States distribution share covered into the Treasury.
Nov. 24, 1859	.....do.....	Brig Cygnet.....	Captured November 18, 1859, off coast of Cuba, by United States steamer Mohawk, and brought into Key West by Lieutenant Craven.	.....	Libel tried January, 1860, and vessel condemned and sold, and net proceeds of sale, $3,359 77, paid to clerk of district court. The clerk has been instructed to deposit the money and forward certificate.
May 5, 1860	.....do.....	Bark Wildfire	Captured by Lieut. T. A. Craven, of United States steamer Mohawk, April 26, 1860, and brought into Key West.	.....	Seized with upwards of 500 Africans on board. Libel filed May 5, 1860, and now pending.
May 15, 1860	.....do.....	Bark William	Captured off the Isle of Pines, and brought into Key West by T. Stanly, Lieut. Comd'g United States steamer Wyandott.	.....	Seized with 550 Africans on board. Libel filed May 15, 1860, and now pending.
Dec. 11, 1858	Georgia	Yacht Wanderer	.....	....	Libel tried March, 1859, and vessel condemned and sold for $4,000. Net proceeds, $3,184; paid to collector, and receipts forwarded to court of customs.
1858.....	.....do.....	Bark Angelita	.....	.....	Libel tried May, 1859, and decree of acquittal and restitution to claimants.
Feb. —, 1859	Connecticut	Bark Laurens.....	.....	.....	This vessel was seized in the port of New London on suspicion of being fitted out with intent to be employed in the slave trade. Tried March, 1859, and libel dismissed.

Mr. Cobb to Mr. Cass.

TREASURY DEPARTMENT, *November* 20, 1860.

SIR: I have the honor to transmit herewith certain information in addition to that communicated in my letter of the 12th instant, showing the action of this department in various cases arising out of the violation of the laws relating to the slave trade; all of which is submitted in order to (in part) enable the President to respond to the resolution adopted in the House of Representatives, on motion of Mr. Morse, on the 9th of April, 1860.

I am, sir, your obedient servant,

HOWELL COBB,
Secretary of the Treasury.

TREASURY DEPARTMENT, *March* 2, 1858.

SIR: I informed you by telegraph yesterday that information has reached this department that a slaver, with a cargo of Africans, will attempt to land the same very soon on the southwest coast of Louisiana or on the Texas coast—most probably the latter. You will send the cutter at your port in search, and give directions to use every exertion possible to intercept the landing of the vessel.

I have telegraphed to the collector at Mobile to place the cutter at his port under your charge, which you will also use for the same purpose.

The name of the bark suspected is the "E. A. Rawlins," which sailed from Mobile in July last. Communicate, in the most expedient manner, the information sent to you to the collector at Galveston, and direct him to do everything in his power to intercept the vessel.

You will consult with the district attorney in regard to the proper legal proceedings in the event of the arrest of the vessel, and inform the department by telegraph and by mail of the result of your exertions.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

F. H. HATCH, Esq.,
Collector, &c., New Orleans.

TREASURY DEPARTMENT, *May* 22, 1858.

SIR: It appears from your letter of 20th April, 1858, that application has been made to you by Messrs. E. Lapitt & Co., merchants of Charleston, South Carolina, to clear the American ship "Richard Cobden," W. F. Black master, burden 750$\frac{31}{95}$ tons, for the coast of

Africa, for the purpose of taking on board African emigrants, in accordance with the United States passenger laws, and returning with the same to a port in the United States.

You ask the opinion of the department upon the propriety of your granting or refusing the application. The question is an important one and I have delayed an answer to your letter until I could give the subject a proper examination. The form in which this application is presented involves the question in some embarassment. The object of the applicant must be, either to import Africans to be disposed of as slaves, or to be bound to labor or service, or else to bring them into the country like other emigrants, to be entitled on their arrival to all the rights and privileges of freemen. In either of the two first named contingencies the object would be so clearly and manifestly against the laws of the United States as to leave no room for doubt or hesitation. I deem it proper, however, to call your attention to the provisions of those laws, as they indicate very clearly the general policy of the government on the subject of African importation.

Prior to January 1, 1808, the time fixed by the Constitution when Congress would be authorized to prohibit such importations, the act of March 2, 1794, (Statutes at Large, vol. 1, p. 347,) and May 10, 1800, (vol. 2, p. 70,) were passed; these laws indicate the strong opposition felt at that time to the African slave trade. The subsequent acts of March 2, 1807, (Statutes at Large, vol. 2, p. 426,) and April 20, 1818, (vol. 3, p. 450,) as well as the acts of March 3, 1819, (vol. 3, p. 532,) and May 15, 1820, (vol. 3, p. 600,) show not only the promptness with which the power was exercised by Congress of prohibiting this trade to the United States, but they also bear evidence of the stern purpose of enforcing their provisions by severe penalties and large expenditures. The legislation of the slaveholding States, prior to 1808, exhibits the fact that the first step taken for its suppression were inaugurated by them.

There is no subject upon which the statute books of our country afford more conclusive evidence than the general opposition everywhere felt to the continuance of the African slave trade.

By reference to the acts of 1794 and 1800, against the slave trade generally, it will be seen that their operation was confined to slaves *eo nomine*. The first section of the act of 1794 provides: "That no citizen or citizens of the United States, or foreigner, or any other person coming into or residing within the same, shall, for himself or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare any ship or vessel within any port or place of the said United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves to any foreign country, or for the purpose of procuring from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place whatever, to be sold or disposed of as slaves; and if any ship or vessel shall be so fitted out, as aforesaid, for the said purposes, or shall be caused to sail so as aforesaid, every such ship or vessel, her tackle, furniture, apparel, and other appurtenances, shall be forfeited to the United States, and shall be liable to

be seized, prosecuted, and condemned, in any of the circuit courts or district courts for the district where the said ship or vessel may be found and seized."

The language of the act of 1800 is the same in this respect. Both contemplate in general terms the prevention of the trade in slaves. When, however, in 1807 and subsequent thereto, Congress undertook to prevent the importation of slaves into the United States, the language of the law was made more stringent and comprehensive. The first section of the act of 1807 provides: "That from and after the first day of January, one thousand eight hundred and eight, it shall not be lawful to import or bring into the United States or the territories thereof, from any foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to hold, sell, or dispose of such negro, mulatto, or person of color, as a slave, or to be held to service or labor."

This law seeks not only to prevent the introduction into the United States of slaves from Africa, but any negro, mulatto, or person of color, whether introduced as slaves or to be held to service or labor, whether or not the wisdom of our fathers foresaw at that early day that efforts would be made under a pretended apprentice system to renew the slave trade under another name, I cannot undertake to say; but the language of the law which they have left to us, on the statute book, leaves no doubt of the fact that they intended to provide, in the most unequivocal manner, against the increase of that class of population by emigration from Africa. No one could then have contemplated an object for which African emigrants would be brought to this country which is not clearly guarded against and forbidden by the law to which I am now referring. It is only necessary to add that subsequent acts on the subject contain the same language. This view of the subject is strengthened by reference to the provisions of the act of February 28, 1803, (vol. 2, p. 205.) The first section of that act is as follows: "That from and after the first day of April next, no master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of color, not being a native citizen or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope, into any port or place of the United States, which port or place shall be situated in any State which by law has prohibited or shall prohibit the admission or importation of such negro, mulatto, or other person of color; and if any captain or master aforesaid, or any other person, shall import or bring, or cause to be imported or brought, into any of the ports or places aforesaid, any of the persons whose admission or importation is prohibited as aforesaid, he shall forfeit and pay the sum of one thousand dollars for each and every negro, mulatto, or other person of color aforesaid, brought or imported as aforesaid to be sued for and recovered by action of debt, in any court of the United States, one-half thereof to the use of the United States, the other half to any person or persons prosecuting for the penalty, and in any action instituted for the recovery of the penalty aforesaid, the person or persons sued may be held to special bail: *Provided, always,* That nothing in this act shall be construed to prohibit the admission of Indians."

It will be seen that Congress, by this act, undertook to co-operate with those States which, by State legislation, had interposed to prevent the importation of negroes into this country. At that time the constitutional prohibition, to which I have before referred, restrained Congress from the exercise of the absolute power of prohibiting such importations. The States, however, being under no such restraint, had in several instances adopted measures of their own, and the act of 1803 shows the promptness of the general government in exercising whatever power it possessed in furtherance of the object. The language of this act is important in another view. It will be observed that its object is to prevent the importation into the United States of "any negro, mulatto, or other person of color, not being a native, a citizen, or a registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope." It is not confined to slaves or negroes bound to labor, but contemplates the exclusion, in the broadest terms, of all such persons, without regard to the character in which they may be brought. It excludes free persons, as well as slaves and persons bound to labor or service. The only limitation in the act is, that it is confined to such persons as are prevented by the laws of any of the States from being imported into such States.

At that time there existed laws of some of the States, not only prohibiting the introduction of negro slaves, but also free negroes; indeed, the policy of the slaveholding States has always been opposed to the increase of its free negro population, and it is proper here to remark that at the present time that policy is more earnestly sustained in those States than at any previous period of their history. After this reference to the laws on the subject, it is hardly necessary to repeat that if the application of Messrs. Lafitte & Co. contemplates the introduction of negroes into the United States from Africa, either in the character of slaves or as apprentices bound to service or labor, it is clearly in violation of both the letter and spirit of the law, and cannot be granted.

The form of the application made by Messrs. Lafitte & Co would seem to contemplate the introduction into the United States of negroes from Africa, entitled on their arrival to all the rights and privileges of freemen. The proposition, upon its face, is so absurd that it is hardly worthy of serious refutation. Messrs. Lafitte & Co. ask us to believe that their vessel, fitted out in the port of Charleston, South Carolina, is going upon a voyage to Africa to bring to some port in the United States a cargo of free negroes. The port to which the vessel expects to return is not indicated. It cannot be the one from which it sails, nor any other port in the State of South Carolina, as the introduction of free negroes into that State is wisely prohibited by stringent laws and heavy penalties. It cannot be the port of any other slaveholding State, as similar laws in each of those States alike forbid it. The reason for such laws is so manifest, that I do not feel called upon, either to produce the evidence of their existence, or to justify the policy which led to their adoption. It is sufficient to know that the public mind of that section of the Union is not more cordially agreed upon any one subject than upon the propriety and necessity of prohibiting, as far

as possible, an increase of the free negro population, and hence the laws to which I refer, prohibiting their importation from any place.

Can it be that Messrs. Lafitte & Co. propose to return with their cargo of free negroes to a port in some of the non-slaveholding States? I am not aware of a single State where these new comers would receive a tolerant, much less a cordial welcome, whilst by stringent laws and constitutional provisions some of them have provided for their unconditional exclusion.

Looking beyond the legislation which has been had on the subject by the general government and both the slaveholding and non-slaveholding States, I may be permitted to refer, in this connexion, to the various repeated and earnest efforts which have been made in every section of the Union to provide for the removal from our midst of this most unfortunate class. However varient the motives which have induced these efforts with different persons in different sections of the country, they all exhibit an earnest desire to diminish, rather than increase the free negro population. This public opinion thus manifested in every form is familiar to every one, and it would be doing great injustice to the intelligence of Messrs. Lafitte & Co. to suppose that they alone were ignorant of it. Where, then, do they propose to land their cargo of free negroes? What is the motive which induces the enterprise? It cannot be the profits of the voyage. There are no African emigrants seeking a passage to this country, and if there were, they have no means of remunerating Messrs. Lafitte & Co. for bringing them. The motive cannot be mere philanthropy, for it would confer no benefit upon these negroes to bring them to our shores, where, if permitted to land at all, it would only be to occupy our pest houses, hospitals, and prisons. To believe, under the circumstances, that there is a *bona fide* purpose on the part of Messrs. Lafitte & Co. to bring African emigrants to this country to enjoy the rights and privileges of freemen, would require an amount of credulity that would justly subject the person so believing to the charge of mental imbecility. The conviction is irresistible, that the object of the proposed enterprise is to bring these "African emigrants" into the country with the view either of making slaves of them or of holding them to service or labor. If so, it is an attempt to evade the laws of the country on the subject of African importation, to which I have called your attention.

Ordinarily, it would be an unsafe rule for a public officer to act upon the suspicion of a purpose on the part of another to violate the laws of the country, but in this case it is put so clearly beyond the reach of doubt that I think that you not only can, but that you are in duty bound to act upon the presumption that it is the intention of Messrs. Lafitte & Co. to evade the laws of the United States, and you should accordingly refuse their vessel the clearance asked for.

I am, very respectfully,

HOWELL COBB,
Secretary of the Treasury.

WM. F. COLCOCK, Esq.,
Collector, Charleston, South Carolina.

TREASURY DEPARTMENT, *May* 24, 1858.

SIR: I acknowledge the receipt of your report, under date of the 17th instant, of the proceedings had in the case of the bark "J. W. Reed," seized on suspicion of being intended for the slave trade, and in reply have to inform you that the department highly appreciates your promptness and energy in this matter, and also the important co-operation and services of Mr. Inspector Murphy.

The case being before the court, no further instructions are deemed necessary at this time.

I am, very respectfully,

HOWELL COBB,
Secretary of the Treasury.

F. H. HATCH, Esq.,
Collector, &c., New Orleans, Louisiana.

TREASURY DEPARTMENT, *December* 23, 1858.

SIR: I have to acknowledge the receipt of your despatch, by telegraph, of this date, in regard to the bark "Thales," loading at your port for Rio Congo, coast of Africa, and suspected by you to be intended for the slave trade; and, in reply, have to state that you have been answered by telegraph to the following effect: that if you are satisfied that the vessel in question, or any other, is intended for the slave trade, or any other illegal expedition, you should refuse a clearance. It is impossible for the department to give specific instructions in cases where all the facts and circumstances are not communicated in detail. The department confides, in such cases, in your sound judgment.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

F. H. HATCH, Esq.,
Collector, New Orleans.

TREASURY DEPARTMENT, *January* 15, 1859.

SIR: Information having reached this department that a vessel is now fitting out at your port for the slave trade, you are hereby instructed to make a thorough investigation into the matter, and report the result of your inquiries to the department without delay.

You will grant no clearance to any vessel which you may have reasonable ground to suspect is intended for the slave trade, but will at once advise the department of the facts in the case, and await its instructions.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

JOHN P. C. MATHER, Esq.,
Collector, New London, Connecticut.

TREASURY DEPARTMENT, *January* 18, 1859.

SIR: The department has received information from the collector at New London of the existence of strong suspicion that the bark "Laurens," now fitting out at that port, ostensibly for a whaling voyage, is, in reality, intended for the slave trade.

Your attention is called to this circumstance to show reason for increased vigilance, that every means at your disposal may be exerted effectually to prevent the consummation of any such unlawful design.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

A. W. AUSTIN, Esq.,
Collector, Boston, Massachusetts.

TREASURY DEPARTMENT, *January* 18, 1859.

SIR: Your letter of the 13th instant, in relation to the bark "Laurens," fitting out at your port ostensibly for a whaling voyage, but suspected of being in reality intended for the slave trade, has been duly received.

The department is gratified to perceive from your letter that its instructions to you, of the 15th instant, to issue no clearance to any vessel against which might exist reasonable grounds for suspicion of being intended for the slave trade, were anticipated.

Your entire action in the premises elicits the merited approbation of the department, whose earnest desire is that the energy and vigilance thus far displayed by you may be continued for the interest of the public service.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

JOHN P. C. MATHER, Esq.,
Collector, New London, Connecticut.

TREASURY DEPARTMENT, *January* 19, 1859.

SIR: I have to acknowledge the receipt of your report of the 17th instant, in relation to the case of the bark "Laurens," suspected of being fitted out for the slave trade; and, in reply, to inform you that the course you have pursued is approved; and you are requested to continue with equal zeal and alertness in the matter.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

J. P. C. MATHER,
Collector, New London, Connecticut.

TREASURY DEPARTMENT, *February* 1, 1859.

SIR: I acknowledge the receipt of your letter of the 27th instant, respecting your action in regard to the bark "Angelita," now libelled in the United States district court for the south district of Georgia, on the charge of having been fitted out and equipped in the United States for the slave trade; and have to state, in reply, that the case must be prosecuted with the proper vigilance and energy; and that in all cases of this character you will confer with the United States district attorney and with his associated counsel, who have been duly instructed by the department.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

JOHN BOSTON, Esq.,
Collector, Savannah, Georgia.

TREASURY DEPARTMENT, *March* 14, 1859.

SIR: I have the honor to transmit herewith a letter, under date of the 2d instant, from the United States district attorney at Norfolk, Virginia, suggesting that instructions should be given to the United States marshal to employ a suitable person to guard pending the proceedings for condemnation of the cargo of the bark "Julia Dean," under seizure at that port on a charge of having been fitted out and intended for the slave trade.

As the fund appropriated by law for the payment of expenses incurred for the suppression of the slave trade is expended under direction of the Secretary of State, the suggestion of the district attorney is referred to you for your consideration, and for such instructions as you may think it expedient to give in the premises.

On being advised of your views, the Solicitor of the Treasury will give instructions, accordingly, to the United States district attorney.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

Hon. LEWIS CASS, *Secretary of State.*

TREASURY DEPARTMENT, *March* 21, 1859.

SIR: I acknowledge the receipt of your letter of the 12th instant with enclosures respecting information relative to sloop "Fairy" and her reputed connexion with an attempt to land Africans on the coast of Louisiana; and, in reply, I have to say, as confirmatory of telegraphic despatch of this date, that the collector of customs at Mobile has been instructed, by telegraph, to direct Captain Morrison, in com-

mand of the revenue cutter "Robert McClelland," to proceed at once with his vessel to your port, and on his arrival to report to you for further orders. Should the cutter, in your opinion, require a supply of small arms, or other outfit, necessary to the service she may be called on to perform, you are authorized to cause the same to be at once procured; and, should Captain Morrison deem an additional officer requisite for the discharge of the duties of the vessel, you will instruct Second Lieutenant Jackson, attached to the revenue cutter "Lewis Cass," to report to Captain Morrison for temporary duty on board the "McClelland."

You will cause all practicable despatch to be used in fitting the vessel for sea, and when completed give such instructions to Captain Morrison for carrying out the objects of the cruise as in your judgment may be deemed necessary and proper.

The repairs of the revenue cutter "Lewis Cass" will be the subject of a future communication.

I am, &c.

HOWELL COBB,
Secretary of the Treasury.

F. H. HATCH, Esq.,
Collector, New Orleans.

[Telegraph.]

TREASURY DEPARTMENT, *March* 21, 1859.

Letter of the 12th instant received. Captain Morrison, with cutter McClelland, has been ordered to report to you for duty. Should the McClelland, in your opinion, require small arms or additional outfits for the services intended you will cause them to be provided; and if another officer is deemed necessary, order Second Lieutenant Jackson, of the cutter Lewis Cass, to report to Captain Morrison for temporary duty.

HOWELL COBB,
Secretary of the Treasury.

F. H. HATCH, Esq.,
Collector, &c., New Orleans.

TREASURY DEPARTMENT, *April* 6, 1859.

SIR: I acknowledge the receipt of your letter of the 29th ultimo, with accompanying papers, in regard to the application for a clearance for the ship "Rebecca" for the Congo river, Africa.

Notwithstanding the doubts expressed in your communication as to the sufficiency of the evidence to obtain a judgment against the vessel, yet her destination being for the African slave coast and her cargo such as is usual in vessels intended and equipped for the slave trade, it was deemed best, after a very careful consideration of the subject, that clearance should be refused, the vessel seized, and legal proceedings instituted, so as to leave the question for the decision of the

courts; and such were, in effect, the directions communicated to you by telegraph of the 5th instant.

You will perceive, by the foregoing, that your telegraphic despatch of the 5th instant, received at the department to-day, had been anticipated.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

F. H. HATCH, Esq.,
Collector, New Orleans, La.

TREASURY DEPARTMENT, *April* 16, 1859.

GENTLEMEN: Your telegraphic despatch of the 14th instant, in relation to witnesses for the United States in the case of the Wanderer, was replied to on the 15th, and I now reiterate its contents.

The witnesses brought in behalf of the government to Savannah in the Wanderer case should be protected as far as possible, and the collector at Savannah should co-operate with you to that end, as you cannot become their surety. The department cannot instruct the collector directly to become the surety, but there can be no doubt, if he does, the government will protect him against any loss or injury whilst acting in accordance with your counsel. You will please report his and your action by mail as well as by telegraph.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

JOSEPH GANAHL, Esq.,
United States District Attorney, and
H. R. JACKSON,
Assistant Counsel, Savannah, Georgia.

[Transmitted to the Collector at New York, November 2, 1859.]

TREASURY DEPARTMENT, *October* 26, 1859.

SIR: I forward herewith instructions to the commander of the revenue cutter "Harriet Lane," open for your perusal, and which I will thank you to hand to him.

You will perceive that it has been thought advisable temporarily to detach the "Harriet Lane" from service in your district, and to assign her to duty on the coasts of Georgia and Florida, to aid in the enforcement of the laws prohibiting the African slave trade.

To prepare her for this service it will be necessary to supply the cutter with provisions and other requisite outfits for a somewhat protracted cruise. You will see that the proper preparations are effected, and that she is ready to proceed to her destination as soon as practicable. As it may be necessary to detail boat crews to visit the inlets

and other suspicious points not accessible to the cutter, and, perhaps, prize crews to bring the vessels she may seize into port at times when she could not safely leave her cruising ground for that purpose, she may require an addition to her present crew. If, on consultation with Captain Faunce, an increase is deemed necessary, you are authorized to ship the proper number of men for that purpose.

As it may be necessary promptly to communicate, from time to time, with the commander of the "Harriet Lane" while on this service, you will make some arrangement with him as to the points to which communications may be directed so as to reach him with the least delay.

For obvious reasons the destination of the "Harriet Lane," and the service on which she is to be employed, should not gain publicity.

I will thank you to impress caution in this respect upon the captain of the cutter and others who must necessarily be made aware of the fact.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

AUGUSTUS SCHELL, Esq.,
Collector, &c., New York.

TREASURY DEPARTMENT, *November* 2, 1859.

SIR: In order more effectually to frustrate attempts to violate the laws prohibiting the slave trade, it is deemed advisable to assign the steam cutter "Harriet Lane" to duty, under your command, on the southern coast of the United States. As soon as the cutter can be provisioned, and other necessary preparations effected, you will enter on that service, and continue in the prosecution of it until withdrawn by the further orders of this department. Your cruising ground will extend along the coast of the United States on the Atlantic from the northern boundary of Georgia to the southern boundary of Florida.

While you will, as far as practicable, keep the entire range of coast within your cruising limits, and its usual approaches from the sea under frequent inspection, your special attention will be directed to those points affording shelter from observation and facilities for landing that would most likely be selected for illegal importations.

In order to arrest attempts to violate the laws, as well by vessels fitted out in the United States for the slave trade and seeking to leave our waters in the prosecution of that purpose, as by vessels approaching our coast with similar intent, I need not impress upon you the necessity of the utmost vigilance and circumspection; and whenever you have reasonable grounds to believe that vessels so arriving or departing, or found within our waters, or hovering on the coast, are engaged in violating the laws prohibiting the slave trade, it will be your duty promptly to arrest and bring them into port that the parties and property concerned may be dealt with according to law.

As you may have occasion to come into port, as well for supplies

and repairs as to deliver the vessels you may have seized, their officers, crews, and cargoes, to the proper authorities, it will not be necessary for those purposes to repair to the port of New York, from which you are but temporarily detached for this special service; the port of Norfolk, nearer your cruising ground, will afford you all the facilities for those purposes.

To put you in possession of the general views of the government in relation to the suppression of the African slave traffic, I enclose a copy of the instructions issued by the Secretary of the Navy on the 16th of July last to the commander of the United States squadron on the coast of Africa; you will not fail, of course, to distinguish between the character of that service and the duty to which you are detailed. The general principles, which are alike applicable to both, will receive your careful consideration and faithful observance.

Fully aware of the great responsibility imposed upon you in the important service to which you are now assigned, the government is confident, nevertheless, that the expectations it entertains of its faithful performance will not be disappointed.

Very respectfully,

HOWELL COBB,
Secretary of the Treasury.

Captain JOHN FAUNCE,
Revenue Steam Cutter "Harriet Lane," New York.

TREASURY DEPARTMENT, *November* 2, 1859.

SIR: I have to request that, on the application of Captain Faunce, you will permit that officer to take, for the use of the revenue steamer "Harriet Lane," under his command, twenty-five of the Maynard guns, with the necessary number of extra parts, to be used in case repairs at any time may be needed, with the requisite quantity of ammunition, out of the hundred guns, extra pieces, and ammunition placed in your custody some time since by this department.

You are also requested to cause fifteen of the same guns, with a proper number of extra pieces and ammunition, to be securely packed and shipped to the care of F. H. Hatch, collector of the customs at New Orleans, for use of the revenue cutter "Lewis Cass," advising this department of the date of shipment.

A like number of guns, extra pieces, and quantity of ammunition, you will cause to be shipped to the care of T. Sanford, esq., collector of the customs at Mobile, advising the department of the date of shipment.

Twelve of the same guns, with extra pieces and ammunition, you will cause to be shipped to the care of Hamilton Stuart, collector of the customs at Galveston, Texas, and inform of the date of shipment.

You will settle the bills of freight at your port, and estimate to the commissioner of customs for the required amount.

Very respectfully,

HOWELL COBB,
Secretary of the Treasury.

AUGUSTUS SCHELL, Esq.,
Collector, &c., New York.

TREASURY DEPARTMENT, *January* 10, 1860.

SIR: Information has been received at this department that a cargo of African negroes, either from Cuba or the coast of Africa, are to be smuggled on board the mail steamers on the Gulf at Cedar Keys, or between that place and New Orleans, and are to be mixed up with a number of negroes purchased in Florida very recently, and thence shipped to New Orleans and Texas.

On the arrival of such steamers at your port you are instructed to examine them; and, should you find such persons on board, you will seize the steamer, and report to this department for further instructions.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

H. STUART, Esq.,
Collector, Galveston, Texas.

Similar instructions, *both by mail and telegraph*, were on the same date—January 10, 1860—transmitted to the collectors at New Orleans, Apalachicola, St. Mark's, and Pensacola.

TREASURY DEPARTMENT, *January* 18, 1860.

SIR: In reply to your letter of this date, I have to say that the steam revenue cutter "Harriet Lane" and cutter "John Appleton" are in that region, under general orders for the seizure of vessels engaged in violating the laws prohibiting the slave trade, and subject to the orders of the United States district attorney for the northern district of Florida, to aid in effecting such purpose.

The Superintendent of the Coast Survey has been written to, to ascertain whether he has at his command an available vessel for the same purpose.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

Hon. JACOB THOMPSON,
Secretary of the Interior.

TREASURY DEPARTMENT, *January* 18, 1860.

SIR: The department wishes to be informed if there is a coast survey vessel on duty in the neighborhood of St. Mark's, Florida, that could be ordered to assist Commander McCorkle in capturing a cargo of African slaves.

I herewith enclose a copy of a telegraphic despatch on the subject

addressed to the Secretary of the Interior by United States Attorney C. C. Youge, esq.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

Professor A. D. BACHE,
Superintendent of the Coast Survey.

TREASURY DEPARTMENT, *January* 20, 1860.

SIR: In reply to your letter of the 18th instant, transmitting a copy of a telegraphic despatch from United States District Attorney C. C. Youge, esq., requesting that S. E. McCorkle, in command of a coast survey vessel near St. Mark's, Florida, may be instructed to render aid in capturing a cargo of African slaves, I have the honor to enclose the copy of a letter from the Superintendent of the Coast Survey, who was addressed on the subject, by which you will perceive that little, if any, efficient service could be rendered by such a vessel. I will, however, give instructions to the proper officer to give such aid as can be given, if required.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

Hon. JACOB THOMPSON,
Secretary of the Interior.

TREASURY DEPARTMENT, *January* 21, 1860.

SIR: Your letter of the 20th instant, enclosing a copy of a communication from Lieutenant Commanding T. S. Phelps, United States navy, in which he states that he has been called upon by the collector of customs at Apalachicola, Florida, to assist in the probable seizure of a supposed slaver, has been received; and, in reply, I have to inform you that the department is desirous that the commander of the "Vixen" may be instructed to render to the collector any aid in his power to enforce the law against the traffic referred to.

I am, &c.,

HOWELL COBB,
Secretary of the Treasury.

Professor A. D. BACHE,
Superintendent of the Coast Survey.

PAPER COMMUNICATED BY THE DEPARTMENT OF THE INTERIOR.

Mr. Thompson to Mr. Cass.

DEPARTMENT OF THE INTERIOR,
November 30, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th instant, enclosing a copy of a resolution of the House of Representatives, dated the 9th April, 1860, requesting the President to communicate to that House certain information touching the African slave trade.

You request to be furnished with such information respecting the subject as may be in the possession of this department, "more especially that relating to the number of slaves on captured vessels, and the cost of their support and return to Africa."

In May last three captured slavers, viz: the barks Wildfire, William, and name unknown, were taken by United States vessels into the port of Key West, and their cargoes delivered to the United States marshal of the southern district of Florida. The Wildfire had on board 508 Africans, the William 513, and the bark, name unknown, 411—making a total of 1,432. Of this number 294 died while they were in the marshal's custody. The remainder, viz: 1,138 were, on or about the 1st of July following, under contract with the American Colonization Society, shipped for Liberia. On the voyage thither 245 deaths occurred, reducing the whole number of survivors which reached Liberia to 893.

The cost of providing lodging, food, medical attendance, &c., to these negroes while at Key West was $27,650 92. The amount paid to the colonization society for transporting them to Liberia was $56,900. The amount paid and to be paid to the same society, under contract, for their maintenance and support for one year, will be about $89,300. Some small additional expense was incurred in the return of these Africans, for salaries of agents, &c., which cannot now be accurately ascertained.

In August last the United States steam frigate San Jacinto captured the slaver Storm King, having on board 619 Africans, and the United States steamer Mohican captured the slave ship Erie, with 867 Africans on board. These prizes were taken directly to the port of Monrovia, in Liberia, and the survivors of the negroes, viz: 1,483, 33 having died on the passage to Monrovia, delivered to the agent of the United States for liberated Africans at that port. On the 22d ultimo a contract was made by this department with the American Colonization Society for the support and maintenance in Liberia, for one year, of these Africans, at the rate of one hundred dollars per annum for each negro over the age of eight years, and fifty dollars per annum for each under that age.

During the month of August last three young Africans who were found on board the slave vessel W. R. Kibby, were delivered to the United States marshal of the southern district of New York. A contract was also made with the colonization society for the return to

Africa and subsequent support for one year of these Africans. The government is to pay fifty dollars for the transportation of each, and for their support at the same rates paid for that of the negroes taken from on board the Storm King and Erie.

I believe the records of this department show nothing in respect to the capture of any other slavers except the *Echo*, and it is supposed that the files of your department furnish the needful information touching the disposition of the negroes captured with that vessel.

The following summary exhibits in detail the number of Africans captured on board the vessels already mentioned, and the cost of their return to Africa, subsequent support for one year, amount of bounty money paid and to be paid to officers and crews of United States vessels, and other incidental expenses, viz:

Number on board bark Wildfire	508	
Number on board bark William	513	
Number on board bark name unknown	411	
		1,432
Number of deaths at Key West		294
Number shipped to Liberia		1,138
Number of deaths on passage		245
Number delivered to United States agent at Liberia		893

Expense to United States.

Cost of maintenance at Key West	$27,650 92
Cost of transportation to Liberia	56,900 00
Cost of support for one year	89,300 00
Salaries and expenses of agents, about	2,300 00
Bounty	35,000 00
Total	211,950 92

Number of Africans on board Storm King	619	
Number of Africans on board Erie	897	
		1,516
Number of deaths during passage to Monrovia		33
Number delivered to United States agent		1,483

Expense to United States.

Amount to be paid for support one year	$148,300 00
Amount to be paid for bounty	37,075 00
Total	185,375 00

Number of Africans found on board W. R. Kibby, 3.

Cost of transportation	$150 00
Support for one year	300 00
Total	450 00

I have the honor to be, very respectfully, your obedient servant,

J. THOMPSON,
Secretary.

Hon. LEWIS CASS,
Secretary of State.

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